

Amos Clark
A. Clark.

LAWS

OF THE

STATE OF INDIANA,

PASSED AND PUBLISHED AT THE FIFTH SESSION

OF THE

GENERAL ASSEMBLY,

HELD AT CORYDON, ON THE TWENTY-SEVENTH OF NOVEMBER

IN THE YEAR ONE THOUSAND EIGHT HUNDRED

AND TWENTY.

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(BY AUTHORITY.)

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CORYDON :

PRINTED AND PUBLISHED BY BRANDON AND CO:

PRINTERS TO THE STATE.

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1820—21.

Amos Clark

LAWS

OF THE

STATE OF INDIANA.

CHAPTER I.

AN ACT supplementary to an act, entitled an act, subjecting real and personal estates to execution, approved January 7th, 1818.

APPROVED—January 6, 1821.

SEC. 1. *BE it enacted by the General Assembly of the state of Indiana, When any writ of fieri facias, or venditioni exponas, hereafter issuing out of any of the courts of this state, other than justices' courts, shall be levied on the real or personal estate of the defendant or defendants, it may be lawful for such defendant or defendants, to release the same by tendering to the sheriff or other officer, a bond with sufficient security, to pay the amount of such execution, including all costs, with lawful interest thereon, from the date of said bond, within twelve months, if the sum due on the execution, including all costs, does not exceed one hundred dol-*

Replevin bond when and for what length of time to be taken.

lars. and within fifteen months, if the sum due on the execution, including all costs, be over one hundred dollars and does not exceed three hundred dollars and within eighteen months, if the sum due on the execution, including all costs, be over three hundred dollars, and does not exceed six hundred dollars, and within twenty-one months, if the sum due on the execution, including all costs, exceeds six hundred dollars : and on such bond being given the said sheriff or other officer, shall restore to the defendant or defendants, such personal or real estate : and when no bond shall be tendered by such defendant or defendants or any person for him or them, the sheriff or other officer shall proceed to sell the said estate, under the provisions of the act to which this is a supplement : *Provided*, that if the defendant or defendants shall tender bond as is above provided for, prior to the sale of the property levied on the said property shall be released : and *provided also*, that no real property shall be sold for less than one half of its real value by virtue of any execution which may hereafter issue on a judgment, which has heretofore been rendered or which may hereafter be rendered and which has not been or may not be replevied under this act, which value shall be ascertained by the inquest who may be called to enquire whether such real property will rent in seven years for a sum sufficient to pay or discharge such execution, and the sheriff or other officer who may offer such real property for sale, if it will not bring one half of its appraised value, shall return

Real estate not to be sold for less than one half of its value.

Value by whom estimated.

such execution with his proceedings thereon : *Provided however*, that it shall be lawful for the plaintiff in execution to accept the said real property after it has been offered for sale, in discharge of such execution, at one half of the estimated value aforesaid and the sheriff or other officer is hereby directed to make a deed therefor : *Provided*, that mortgaged premises, taken on execution, which has issued on a judgment obtained on such mortgage, and all executions issuing against constables, justices of the peace, sheriffs, clerks of courts, county treasurers, trustees of public seminaries, collectors or attorneys for monies collected by them, shall not be affected by the provisions of this section.

Plaintiff may receive real estate at half its value, to whom the sheriff shall make deed.

Mortgages and estates of certain officers excepted, from the provisions of this act.

SEC. 2. *Be it further enacted*, That any defendant or defendants on any writ of capias ad satisfaciendum, may in like manner release his, her or their body or bodies from execution, by tendering bond and security as is required in the foregoing section.

Judgment may be replevied by the defendant arrested on a ca. su.

SEC. 3. All and every bond so taken in pursuance of this act, shall have the force of judgments, and such sheriff or other officer taking such bond shall return the same, to the office from which the execution issued, within twenty days thereafter.

Replevin bond to have the force of a judgment, to be returned in 20 days.

SEC. 4. *Be it further enacted*, That if the amount of the said bond shall not be paid agreeable to the condition thereof, it shall and may be lawful for the creditor or creditors, his, her or their attorney or at-

When execution shall issue thereon and what endorsement.

tornies, at any time, thereafter, to sue out of the clerk's office of said court, his execution against the real and personal estate of the said defendants and obligors in said bond and the clerk issuing such execution, shall endorse on the back thereof, that no security of any kind, is to be taken.

SEC. 5. *Be it further enacted*, That if bond with sufficient security, to be approved of by the clerk, should be filed by the defendant or defendants, in the clerk's office, prior to the issuing any execution on the judgment, then and in that case no execution shall issue on the judgment, until after the bond becomes due, when execution shall issue as on bonds taken by the sheriff, as is provided for in this act; and the bonds taken by the clerks shall be with the same conditions as those taken by the sheriffs, the time of payment being regulated by the amount due at the time of entering into the bond.

SEC. 6. In all cases where judgments have been rendered and security given for the stay of execution, such security so entered, shall in no case entitle the debtor or defendant to a longer stay of execution from the date of such judgment, than is allowed by this act on like sums, and at the expiration of which the creditor may sue out his execution which shall be regulated in every respect as is prescribed by this act.

SEC. 7. *Be it further enacted*. That there shall be a stay of execution on all judgments rendered by justices of the

Clerk may take bond previous to the issuing execution.

How long judgments heretofore rendered may be replevied.

Judgments of J. P. may be replevied 9 months from the date of the judgment.

peace within this state, of nine months from the date of such judgment, on the defendant's entering security on the docket of the justice as is required by the laws now in force.

SEC. 8. When any personal property shall be taken in execution, and any person other than the execution defendant shall make claim thereto, it shall be the duty of the sheriff or other officer to summon five freeholders and try the right of such property, which trial shall be held before any justice of the peace of the township, in which the trial of the right of property may be held, on being summoned by the sheriff or other officer to attend for that purpose; and should any person conceive himself or herself aggrieved by the verdict of the jury empannelled for the purposes herein named, it shall be the duty of the justice before whom the trial may be held, to certify up to the circuit court of the proper county, a true transcript of the proceedings before him held, under such restrictions and limitations as is provided in other cases of appeal; and it shall furthermore be the duty of the justice before whom such trial is held, to take from the person who may retain in his or her possession the property in controversy, a bond with sufficient security for the delivery of the property to whomsoever it shall be determined to belong by the judgment on the said appeal.

SEC. 9. *Provided*, That nothing in this act shall be so construed as to extend its provisions to any chartered, unchartered

Mode of trying right of property.

Appeal may be had thereon.

Bond for delivery of property.

Judgments for money deposited with banks or bankers excepted from the provisions of this act.

or individual banking company or banker, their heirs, executors or administrators, so as to extend their time of payment, when sued for money deposited with them.

Repeal.

SEC. 10. *And be it further enacted*, That an act for the benefit of debtors, approved December 28th, 1818, be and the same is hereby repealed.

This act shall take effect and be in force from and after its publication.

CHAPTER II.

AN ACT amendatory to the several acts regulating the assessment and collection of revenue in this state.

APPROVED—January 2d, 1821.

Taxation of land for state revenue, 1st rate \$1 50, 2d rate \$1 25, 3d rate \$1 00, and repeal of taxation on land for county purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That there shall be assessed annually for state purposes, on every hundred acres of first rate land, one dollar and fifty cents, on every hundred acres of second rate land, one dollar and twenty-five cents, and on every hundred acres of third rate land, one dollar; and so much of the revenue laws of this state, as authorises any tax to be collected on land for county purposes, is hereby repealed.

SEC. 2. All taxes on town lots and other property subject to taxation for county

purposes, by virtue of the acts to which this is an amendment, shall be taxable as heretofore. There shall be also assessed annually for county purposes, a tax on every male person above the age of twenty-one years, any sum not exceeding fifty cents, at the discretion of the commissioners of the proper county; and also all work oxen three years old and upwards not exceeding twenty-five cents per head, at the May term of the board of county commissioners, and to be collected in the same manner as other taxes.

Tax on town lots &c. for county purposes as heretofore.

The commissioners at their May term shall lay a tax on every male person above the age of 21 years; and on oxen three years old and upwards.

SEC. 3. That the auditor of public accounts be authorised to employ such attorney or attorneys as he may think proper, to collect all debts, which are or may become due to the state; any law to the contrary notwithstanding; and the same costs shall be taxed for the benefit of said attorney or attorneys, as are now allowed to prosecuting attorneys for similar services.

The auditor of P. accounts shall employ counsel to collect all debts due the state.

Allowance therefor.

SEC. 4. *Be it further enacted*, That the public printer is hereby authorised and required to print fifty copies of this act, to be distributed and filed in the clerk's office of the several counties in this state.

Duty of public printer.

This act to take effect and be in force from its passage.

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CHAPTER III.

AN ACT to amend the act, entitled "an act regulating the duties and jurisdiction of justices of the peace," approved January twenty-eighth, eighteen hundred and eighteen.

APPROVED—January 8th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That if any juror or arbitrator shall neglect or refuse to appear before a justice of the peace when duly summoned, such juror or arbitrator, as the case may be, shall forfeit and pay for every such offence the sum of one dollar for the use of county seminaries, recoverable before any justice of the peace in the proper county on information of the constable, who shall have summoned such juror or arbitrator.*

Jurors and arbitrators failing to attend when summoned, liable to fine.

SEC. 2. Hereafter when either plaintiff or defendant in any action hereafter to be commenced before any justice of the peace in this state, may wish to have a change of venue agreeably to the provisions of the act to which this is an amendment, the party applying therefor shall pay all costs which may have accrued previous to the granting such change of Venue.

Previous to the granting a change of venue all costs shall be paid.

SEC. 3. Justices of the peace in addition to the fees allowed by law, shall be entitled to the sum of twelve and a half cents for each transfer of a judgment.

Allowance to J. P. for transfer of Judgment.

SEC. 4. Every judgment by any justice of the peace in any cause, shall be entered within four days after the trial of the same.

When judgment shall be entered.

SEC. 5. Hereafter attorneys or counselors at law shall be eligible to the office of a justice of the peace, any law to the contrary notwithstanding: *Provided however, No attorney who holds a commission as a justice of the peace shall appear in the circuit court in his own county in any civil cause, as an attorney or counsellor, in any case that originated before any justice of the peace within the county where he holds his commission, nor in any criminal case wherever he has acted as a justice.*

Attorneys may act as justices of the peace, under certain restrictions.

CHAPTER IV.

AN ACT to provide a summary mode of collecting debts in certain cases.

APPROVED—January 6th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That if any unchartered banking association, or any individual banker in this state, who may have received, or shall hereafter receive from any person or persons any money, notes, bills, or checks on deposit, and shall refuse upon demand made by such person or persons so depositing the same, their agent or attorneys duly constituted and*

Liability and mode of proceeding against unchartered banking associations or individual bankers when money has been received on deposit.

appointed, to refund and pay the same over, it shall be lawful for such person or persons, their executors or administrators, by motion in any court having competent jurisdiction of the same, having first given ten days previous notice of such intended motion, to the president, cashier, agent, attorney or individual banker, or the executors or administrators of such individual banker, to recover judgment for the amount due such person or persons making such deposit or deposits as aforesaid, with six per centum per annum interest on said amount for and during the time such sum or sums were so placed to their credit, upon which judgment there shall be no stay of execution.

SEC. 2. *And be it further enacted*, That the receipt of any president or cashier of any unchartered banking company or banker, or the receipt of any agent or attorney, or any memorandum made in a book commonly called a bank book by authority of any unchartered banking company, or individual Banker, shall be held and taken as good and ample evidence of such deposit or deposits.

SEC. 3. *And be it further enacted*, That the executors or administrators of any individual banker shall be liable to be sued for the amount of any sum of money on deposit with such individual banker at the time of his death, within five days after the taking out of letters testamentary, or letters of administration, any thing in the act, entitled "an act authorising the granting of letters testamentary and letters of

Six per centum interest allowed from the time such sums were placed to the credit of the depositor.

What shall be held and taken as sufficient evidence of a deposit in such institutions.

Liability of the executors or administrators of an individual banker to be sued, and when.

administration for the settlement of intestate estates and for other purposes," approved the twenty-ninth day of January, one thousand eight hundred and eighteen, to the contrary notwithstanding.

SEC. 4. That the holder or holders of any bill of exchange, promissory note or other paper other than the notes of Chartered banks, the amount whereof is expressed either in print or in engraved letter, which usually pass from individual to individual by delivery only, shall be entitled to the like summary mode of collection against the bank, banking company, individual or company which have drawn or issued the same.

The like summary mode given to the holders of promissory notes, &c. against unchartered, or individual banks.

This act to be in force and take effect from and after its publication in the Indiana Gazette.

CHAPTER V.

AN ACT amendatory to the act entitled an act, for the relief of Insolvent Debtors, Approved January 20, 1820.

APPROVED—January 5, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That when hereafter any insolvent debtor, shall file his petition and schedule attested by oath or affirmation in the clerk's office of the proper county with bond and security,

Insolvent debtors may file a petition and schedule in the clerk's office, and on certain requisites being complied with the clerk shall issue a supersedeas.

to the party at whose suit he is imprisoned to be approved by the clerk of said office, conditioned as is required in the act to which this is an amendment, it shall be the duty of said clerk if civil process of any kind shall have issued against such petitioner to issue a supersedeas to such process, which all sheriffs and other officers are hereby required to obey.

SEC. 2. That when the circuit court shall sit on the final hearing of said petition as contemplated by the act to which this is an amendment, it shall be lawful for any person or persons by disinterested testimony, to establish fraud on such petitioner, and if such fraud is satisfactorily shown to the said court, the said court shall withhold the benefits of this and the act to which this is an amendment from such fraudulent debtor by refusing to discharge him, and if process shall have been issued and superseded, new process shall issue.

This act to take effect from and after its publication in the Indiana Gazette.

When fraud shall have been established on such petitioner where process had been superseded, new process shall issue.

CHAPTER VI.

AN ACT fixing the times of holding Courts in the several Circuits and for other purposes.

APPROVED—January 9, 1824.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the county of Green and Orange shall be attached to and form a part of the first judicial circuit in this state and the county of Crawford shall be attached to and form a part of the fourth judicial circuit within this state and the county of Bartholomew shall be attached to and form a part of the second judicial circuit in this state.

Green and Orange attached to the 1st judicial circuit, Crawford to the 4th and Bartholomew to the 2d.

SEC. 2. That the circuit courts to be holden in the first judicial circuit shall be held on the days and times following to-wit: in the county of Green on the fourth Mondays in March and September, in the county of Knox on the first Mondays in April and October, in the county of Sullivan on the third Mondays in April and October, in the county of Vigo on the fourth Mondays in April and October, in the county of Parke on the fifth Mondays in April and October, in the county of Owen on the first Mondays in May and November, in the county of Monroe on the Thursdays next succeeding the first Mondays in May and November, in the county of Lawrence on the second Mondays in May and November, in the county of Orange on the

When the circuit court shall be holden in the 1st, judicial circuit.

third Mondays in May and November, in the county of Martin on the fourth Mondays in May and November, in the county of Daviess on the first Mondays in June and December, in each and every year, and shall sit at each term as follows: in the county of Knox two weeks, in the counties of Green, Sullivan, Vigo, Parke, Lawrence, Orange, Martin and Daviess six days each and in the counties of Owen and Monroe three days each, if the business before any of the above named courts require it.

SEC. 8. The circuit courts in the second judicial circuit, shall be held on the days and times following to-wit: in the county of Harrison on the third Mondays in February, May and September, in the county of Washington on the fourth Mondays February, May and September, in the county of Jackson on the first Mondays in March, June and October, in the county of Bartholomew on the second Mondays in March, June and October, in the county of Scott on the third Mondays in March, June and October, in the county of Jefferson on the fourth Mondays in March, June and October, in the county of Clark, on the second Mondays in April and August and on the third Mondays in November and in the county of Floyd on the second Mondays in May, September and December, and the circuit courts in the counties of Jefferson and Clark shall sit twelve days each if the business therein require it, and in all other counties in the said circuit the courts shall sit six days in each if the business requires it.

Number of term days if the business require it.

When the courts in the 2d judicial circuit shall be holden.

Duration of said terms.

SEC. 4. The circuit courts in the third judicial circuit shall be held in the several counties composing the said circuit, at the times hereinafter mentioned, in the county of Jennings on the first Monday in February, fourth Monday in May and first Monday in September, and shall sit six days if the business require it, in the county of Ripley on the Wednesdays preceding the commencement of the courts in Jennings county and shall sit three days if the business require it, in the county of Switzerland on the second Monday in February, first Monday in June and second Monday in September and shall sit six days if the business require it, in the county of Dearborn on the third Monday in February second Monday in June and third Monday in September, and shall sit twelve days if the business require it, in the county of Franklin on the first Monday in March, fourth Monday in June and first Monday in October and shall sit nine days if the business require it, in the county of Union on the second Thursdays after the commencement of the courts in Franklin county and shall sit three days if the business require, in the county of Fayette on the third Monday in March, second Monday in July and third Monday in October and shall sit six days if the business require it, in the county of Wayne on the fourth Monday in March third Monday in July, and fourth Monday in October, and shall sit six days if the business require it, in the county of Randolph on the

When the Circuit Courts shall be holden in the 3d judicial circuit and the number of days in each term

first *Monday* succeeding the fourth *Monday* in *March*, third *Monday* in *July* and fourth *Monday* in *October* and shall sit six days if the business require it.

When the Circuit Court shall be holden in the 4th Judicial circuit.

SEC. 5. The circuit courts in and for the fourth judicial circuit shall be holden on the days and times and at the places following viz: in the county of Dubois on the second *Mondays* in *February*, *May* and *September*, in the county of Pike on the *Thursdays* next succeeding the second *Mondays* in *February*, *May* and *September*, in the county of Gibson on the third *Mondays* in *February*, *May* and *September*, in the county of Posey on the fourth *Mondays* in *February*, *May* and *September*, in the county of Vanderburg on the first *Mondays* in *March*, *June* and *October*, in the county of Warrick on the second *Mondays* in *March*, *June* and *October*, in the county of Spencer, on the *Thursdays* next succeeding the second *Mondays* in *March*, *June* and *October* at the house of Hazel W. Dorsey in Rockport, in the county of Perry on the third *Mondays* in *March*, *June* and *October*, in the county of Crawford on the fourth *Mondays* in *March*, *June* and *October* in each and every year and shall sit at each term as follows viz: in the counties of Gibson, Posey, Vanderburg, Perry and Crawford six days each if the business requires it, in the counties of Warrick, Spencer and Pike, three days each if the business requires it and in the county of Dubois two days if the business require it.

Where holden.

Number of days in each term.

SEC. 6. And be it further enacted, That

all pleas, complaints, process and proceedings of the courts now pending or which may hereafter issue or be had in any of the said courts, shall be returned to the said courts at the times herein provided for any thing in any statute, law or custom to the contrary notwithstanding.

SEC. 7. The Supreme Courts shall be holden on the first *Mondays* in *May* and *November*.

Supreme court time of holding.

SEC. 8. The Public Printer is hereby required to print one hundred copies of this law for the use of the several counties in this state.

This law to be in force from and after its passage.

CHAPTER VII.

AN ACT to provide for arrest in certain cases.

APPROVED—January 9, 1821.

SEC. 1. BE it enacted by the General Assembly of the state of Indiana, That when any warrant capias or other process of a criminal nature, issues from any Judge, justice or other competent authority to issue the same and shall be put into the hands of any constable or other person properly authorised to execute the same, against any person charged with the commission of any offence against the laws of this state or when any person shall have

Whenever process of a criminal nature shall be put into the hands of an officer, against any person charged with the commission of an offence against the laws of the state, such officer may pursue the fugitive to another county.

Further duty of
the officer.

Duty of Justice of
the Peace.

escaped from legal custody it shall and may be lawful, for the officer holding such warrant, or from whose custody such person shall have escaped to pursue such person to any county within this state and arrest and secure him or her, and such officer shall have authority by virtue of the powers herein given to take the person thus arrested to the county in which the offence was committed or from which the escape was made: *Provided however*, that it shall be the duty of the said officer previous to making any such arrest in any other than his own county to go before some justice of the peace in the county in which the fugitive may be supposed to be and make oath that the process was regularly issued, in the county from whence such fugitive fled, or in case of escape that he is in pursuit of a person, naming him, who has so escaped from legal custody and when such oath shall be made it shall be the duty of such justice, when a warrant is produced to endorse his name as such justice on the back of the said warrant, or in case of escape and pursuit issue a warrant directed to such officer authorizing and commanding him to seize such fugitive and retake him to the county from which he may have escaped which indorsement or new warrant shall give to such officer as full and ample authority in all respects to make such arrest or recapture as he would have in the county in which he was elected or appointed.

This act shall be in force from and after its publication.

CHAPTER VIII.

AN ACT supplemental to an act locating certain roads therein named and for other purposes, approved January 22d, 1820.

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Stephen Ludlow, James Vaughan and David Guard, of Dearborn county, and Amos Boardman, of Ripley county, be, and they are hereby appointed commissioners to locate and mark the road established by an act of the General Assembly at their last session, from Lawrenceburgh in Dearborn county, to the permanent seat of government of this state; and said commissioners, or a majority of them, are hereby authorized to meet at the house of Jesse Hunt in the town of Lawrenceburgh on the first Monday in May next, or such other time as they or a majority of them shall agree upon, to perform the duties hereby assigned them.

Commissioners appointed to locate and mark the road from Lawrenceburgh, Dearborn county, to the permanent seat of government.

When and where to meet.

SEC. 2. Thomas Palmer of Dearborn county, William Templeton of Franklin county, John Myers of Fayette county, Jacob N. Booker of Wayne county, and Charles Conway of Randolph county, are hereby appointed commissioners to locate and mark the road heretofore established from the town of Lawrenceburgh in the county of Dearborn to Winchester in the

Commissioners appointed to mark & locate the road from Lawrenceburgh, to Winchester, Randolph county, with variation from the former act.

county of Randolph, with the following variation from the former act, viz: from Brookville to pass through Fairfield and Dunlapville in Franklin county, and Brownsville in Fayette county, and to be extended from Winchester to Fort Wayne. Said commissioners or a majority of them are hereby authorised to meet at the house of Jesse Hunt in the town of Lawrenceburgh, on the first monday of may next, or at such other time as they or a majority of them may agree upon, to perform the duties hereby assigned them.

Where and when
said Commissioners
shall meet.

Commissioners
appointed to locate
and mark the road
from New Albany
to Gibson touching
other places.

When and where
to meet.

SEC. 3. Anderson Long of Floyd county, Samuel Flanagan and Jas. B. Slaughter of Harrison county, martin H. Tucker of Crawford county and Alexander Devlin of Gibson county, be, and they or a majority of them are hereby appointed to locate and mark the road heretofore established from New Albany in Floyd county to Corydon in Harrison county, thence to mountsterling in Crawford county, thence the nearest and best way to Princetown in the county of Gibson; and the commissioners aforesaid shall meet at the house of David M. Hale in New Albany, on the first Monday in march next, or such other time as they or a majority of them shall agree upon, to perform the duties hereby assigned them, who may view and mark any part of said road, which, on being reported according to law, may be established a public road.

SEC. 4. The commissioners herein appointed to locate and mark each of the aforesaid roads, shall in all respects be gov-

erned by, and proceed according to the act to which this is an amendment, with the variation herein allowed, and said roads when located, marked and recorded, shall be as permanently established, as if it had been done by the commissioners heretofore appointed at the proper time; and the boards of county commissioners are hereby directed and required to have the same opened accordingly.

SEC. 5. In all cases where three of the commissioners who have been appointed by this act or the act to which this is an amendment, shall, or have performed the duty assigned them, the report of a majority of those, who do attend or have attended, shall be taken as sufficient and recorded: *Provided*, It be made before the first monday of October next.

SEC. 6. The commissioners appointed to locate and mark the aforesaid roads respectively, are hereby authorised to employ a surveyor or surveyors to survey the whole or any part of said roads respectively as they may deem proper.

This act to take effect and be in force from and after its publication.

The Commis-
sioners hereby ap-
pointed to be gov-
erned by the act
to which this is
an amendment, &
the county Com-
missioners shall
the same executed.

What number
of Commissioners
may report and at
what time.

Further powers
given to the Com-
missioners.

CHAPTER IX.

*AN ACT authorising the building of a
state prison and for other purposes.*

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Steven Ranney, John Fishli, Samuel Gwathmey, John Prather and William Bowman are hereby appointed a board of managers for building and governing a prison to be located at or near Jeffersonville in this state, on such spot as the said managers shall select; and the said managers after being duly sworn to perform faithfully the duties assigned them by this act, shall have power to receive donations of real and personal property, the title to which shall be vested in the agent of the said prison and his successors in office, which agent shall be appointed by the said managers, and shall be sworn as aforesaid, and give bond for the faithful performance of his duties, with security to be approved by the said managers, and payable to the governor of this state and his successors in office, which bond shall be in the penal sum of ten thousand dollars, and shall be filed in the office of the secretary of state.*

SEC. 2. *The said managers or a majority of them, who may act in all cases, shall supply vacancies in their own body, and shall have power to make rules and regulations for the government and employment of the convicts who may be confined in the*

Managers appointed to build & govern a state prison to be located at or near Jeffersonville.

They may receive donations of real and personal property.

They shall appoint an agent, who shall give bond in the penal sum of \$10000.

They shall supply vacancies, make rules &c. for the regulation and maintenance of

said prison, their clothing and maintenance and shall appoint such officers as may be necessary for the safely keeping such convicts; they shall also appoint a clerk, who shall record their proceedings, and once every month a committee of their body shall be appointed to examine the situation of the prison, the receipts and expenditures of the agent, and on discovery of any misconduct of the agent or any of their officers, such agent or other officer shall be removed and some suitable person or persons appointed by the managers, who shall be governed by the provisions of this act.

SEC. 3. *It shall be the duty of the agent to make contracts, receive and pay out money under the directions of the managers, and when convicts are confined in the prison, shall attend daily to enquire into the state thereof, the health, conduct and safe keeping of the prisoners, and to employ them most suitably to their various capacities, to purchase provisions, clothing and tools necessary for the convicts, and raw materials to be by them manufactured, and dispose of the same for the support of the convicts and such other objects as to the managers shall deem expedient.*

SEC. 4. *All the contracts and dealings on account of the said prison shall be transacted by and in the name of the agent of the Jeffersonville prison, and by that name he and his successors in office shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in*

convicts, appoint a clerk and other officers, examine the state of the prison, and for misconduct remove any of its officers.

The powers and duties of the agent of such prison.

The business to be transacted in the name of the agent, and by that name may sue and be sued, &c. in all matters and causes concerning the said prison.

all actions, suits, complaints, matters and causes concerning the said prison, and by that name the agent for the time being shall be and he is hereby authorised and empowered to sue for, prosecute and recover and receive of and from all persons indebted to any former agent, or on account of the said prison such sums of money as shall become due, or damages that shall accrue of and from any person or persons.

SEC. 5. The said agent by and with the consent of the managers, is authorised to contract with the president and directors of the Jeffersonville Ohio Canal Company for the employment of the able bodied convicts in labor on the said Canal in such manner as may be thought expedient.

SEC. 6. So soon as the said prison shall be sufficiently completed for the safe keeping of convicts, the managers shall give notice of the same to the governor, who shall make the same public by proclamation, and whenever thereafter any person shall be convicted of any offence for which such person would be liable by the existing laws of this state to punishment by stripes, in every such case where the punishment or penalty might, by such laws, have been extended to one hundred stripes, such person in lieu of said stripes shall be adjudged to be confined to hard labor in the said prison for any term not exceeding seven years, and when such punishment or penalty might have been not exceeding fifty stripes, the time of confinement as above in the said prison shall not exceed five years, and in every case where the punishment or penalty might by such laws

The agent with the consent of the managers, may contract with the Ohio Canal Company for able bodied convicts.

The managers shall notify the governor when the prison is ready for the reception of convicts, who shall make the same public.

For what offences, and what length of time convicts shall be imprisoned and confined to hard labor.

have been stripes not exceeding thirty nine the time of confinement as above in the said prison shall not exceed three years: *Provided*, The extent of the punishment and penalties shall be fixed as heretofore.

SEC. 7. When any person shall be convicted and sentenced to imprisonment in the said prison, the clerk of the court in which such sentence shall be passed, shall make and certify a copy thereof and deliver the same to the sheriff, who when he conveys such convict to the said prison, delivers the same with the convict to the keeper of the said prison, and receive from the keeper a certificate of such delivery, and such sheriff shall be allowed after the rate of twenty-five cents per mile for the distance the sheriff may have conveyed such convict; but when more than one convict is conveyed, ten cents per mile shall be allowed for each additional convict.

SEC. 8. While the sheriff is engaged in carrying any convict to the said prison, he shall have the like authority to demand the assistance of any of the people of this state as if he were acting in his proper county, and all persons shall be aiding and assisting such sheriff under the same penalties.

SEC. 9. The agent shall on or before the second Monday of December annually, lay an account of his proceedings under this act before the General Assembly.

SEC. 10. If any person shall barter, sell or give away any spirituous liquor to any person confined in said prison, except the same has been allowed by the managers, or convey any writing to or from any

Clerk of the court shall give certificate of conviction to the sheriff, who shall deliver the same to the keeper of the prison.

Sheriff's allowance for conveyance.

Sheriff may demand assistance when conveying convicts as in other cases in his own county.

Further duty of the agent.

Penalty on those who shall furnish the convicts with spirituous liquors.

of the said convicts without the consent of some of the officers of the said prison, every person so offending shall, on conviction thereof, be fined not exceeding one hundred dollars.

\$3000 appropriated towards the building said prison, and how paid

Appropriation of the residue of convicts earnings.

SEC. 11. The sum of three thousand dollars is hereby appropriated towards the building of the said prison, which shall be paid out of any money arising from the sales of lots at the permanent seat of government: *Provided*, That after all expenses for the support of the convicts, clothing, &c. and suitable allowances to the officers of the prison are paid, the proportion of the residue of their earnings which would belong to the state, according to the different sums paid, shall be laid out in the purchase of canal stock for the benefit of the state, and the proportions belonging to individuals according to the amount by them subscribed and paid, shall be apportioned in such manner as the said managers may direct their said agent to contract with such individuals on their subscribing.

Continuance of the privileges granted by this act, under certain restrictions and provisions.

SEC. 12. The privileges granted by this act shall continue to be exercised as is provided by this act, for and during the term of eight years: *Provided*, The said prison shall be ready for the reception of convicts on or before the first day of October next, and that any future legislature may establish the above prison for a permanent state prison, by compensating the subscribers under this act for the interest of which they may be divested by such change, the value of which interest shall be estimated by three disinterested per-

sens, to be appointed for that purpose by the judges of the supreme court.

This act to be in force from and after its passage.

CHAPTER X.

AN ACT to facilitate prosecutions for perjury.

APPROVED—January 2, 1821.

Be it enacted by the General Assembly of the state of Indiana, That in every indictment for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, and before whom the oath was taken (averring such person or persons to have competent power and authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned, without setting forth the bill, answer, information, indictment, declaration or any part of any record, or proceedings either in law or equity other than as aforesaid and without setting forth the commission or authority of the court or person or persons before whom the perjury was committed.

Summary made of procedure in prosecutions for perjury pointed out.

CHAPTER XL.

AN ACT supplemental to an act, entitled, "an act supplementary to an act entitled an act fixing seats of justice in all new counties hereafter to be laid off."

APPROVED—January 2, 1821.

SEC. 1. *BE it enacted by the General Assembly of the state of Indiana, That* all agents heretofore appointed, and those who may hereafter be appointed, under the provisions of the act to which this is a supplement, shall, every four months, settle and account with the commissioners, and oftener if required by said county commissioners; and if any agent appointed as aforesaid, shall fail neglect or refuse to settle and account with the said commissioners, or who shall neglect or refuse to pay over any money, which may have come to his hands, when required so to do by the said county commissioners of the proper county, or shall neglect or refuse to do and perform any of the duties, enjoined on him by the statutes in such case made and provided, it shall be lawful for the said county commissioners to remove said agent from office and appoint a successor to whom the said agent so removed, shall deliver all books, papers, notes, receipts, accounts, monies, goods and effects of every description which may be in his hands belonging to the proper county; and on

All agents shall account with the commissioners of their respective counties and at what time.

Said agents failing or refusing to comply with the provisions of this act may be removed from office.

And they shall deliver over their books.

his refusing so to do it shall be lawful for the county commissioners of the proper county, to proceed by action of debt or covenant on his bond; and on recovering a judgment on said bond against such agent and his securities, execution shall issue, and there shall be no stay thereon, any law, usage, or custom to the contrary notwithstanding.

Duty of the county commissioners.

SEC. 2. When any agent shall have collected specie, United States' Bank paper, or the paper of such other banks as pay specie for their notes, it shall not be lawful for him to exchange the same, for any bank paper but he shall pay the same over to the county treasurer, and the said treasurer shall receipt to him for the kind of money he the said treasurer may receive; and if he shall fail or refuse to pay the same, when ordered so to do by the county commissioners, he shall be liable to be removed from office by said commissioners, and it shall be considered a breach of his bond, on which he may be prosecuted by action of debt or covenant, as is provided in the first section of this act.

The agents shall pay over such monies as they may receive.

Liability of agents failing so to do and how proceed against.

SEC. 3. No county treasurer shall receive more than two per cent. on monies arising from the sales of lots at any county seat.

This act to take effect from and after its passage.

CHAPTER XII.

AN ACT to repeal part of an act, entitled an act regulating the inspection of flour, beef and pork.

APPROVED—January 5th, 1821.

Be it enacted by the General Assembly of the state of Indiana, That so much of the first section of the act, entitled, "an act regulating the inspection of flour, beef and pork as makes it penal for exporting and offering for sale the same without inspection, be and the same is hereby repealed.

This act to take effect and be in force from and after its publication.

CHAPTER XIII.

AN ACT to amend the act entitled, "an act to prevent certain immoral practices, Approved January 3, 1817.

APPROVED—January 8, 1821.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That if any person or persons shall after the taking effect of this act take or carry into the vicinity of any religious assembly met for religious worship, any spirituous or intoxi-

The sale or gift of spirituous liquors in the vicinity or presence of religious societies prohibited.

cating liquors for the purpose of selling or in any other way disposing of the same; and shall actually sell or give, or suffer any other person to sell, give away or use such spirituous liquors in the vicinity or presence of such religious society, so assembled for religious worship, so as to disturb or in any way interrupt such religious society in their worship; each person so offending shall on conviction thereof before any justice of the peace, competent to try the same, be fined three dollars together with cost of suit for every such offence: Provided however, That this act shall not be so construed as to prevent any regularly licensed tavern keeper from retailing spirituous liquors at his or her stand.

And the fine inflicted therefor.

Exception as to licensed retailers.

SEC. 2. It shall be the duty of each Judge of the Supreme or Circuit Court, justice of the peace, sheriff, coroner or constable, who shall from his own knowledge, upon view, or on information on oath or affirmation, knowing of the foregoing provisions to be violated, to see that the provisions of this act, be carried into effect according to the true intent and meaning thereof.

Judges of Courts justices of the Peace &c. enjoined to carry this law into effect.

This act shall take effect and be in force from and after its publication.

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CHAPTER XIV.

AN ACT subjecting bank notes refused to be redeemed with specie on demand to interest.

APPROVED—January 8, 1818.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That* any chartered bank, branch bank or office of discount and deposit of any chartered bank in this state which shall refuse to pay specie for their notes, when presented and payment demanded agreeably to the true intent and meaning thereof, such note shall be subject to and bear an interest of six per cent. per annum from the date of such demand and refusal of payment, which interest shall be recoverable by the holder of such note with the original amount by due course of law as in cases of notes of hand payable after date.

SEC. 2. The holder of any bank note, of any bank, branch bank, office of discount and deposit on presenting the same for payment and the same is refused he shall have a right to demand of the cashier or person acting as such to such bank, branch bank or office of discount and deposit to endorse on the back of such note so refused to be paid in specie the date of such demand in form following, "payment in specie demanded and refused this day of 182 A B (cashier (filling up the blanks with the proper additions) and all notes so endorsed shall bear interest as aforesaid at the

Banks, chartered, or offices of discount and deposit liable to pay interest on refusal to pay their notes.

The officer of such bank shall make endorsement on such notes when required, & form thereof.

rate of six per cent per annum from the date of such endorsement until paid or redeemed by the proper bank, branch bank, or office of discount and deposit and if any cashier of any bank as aforesaid shall refuse to make the endorsement aforesaid when required so to do by the holder of any note who may have demanded payment and the same is refused he shall be fined in the amount of the note or notes so presented for every such refusal to be recovered by action of debt before a justice of the peace by the individual making the demand and such endorsement shall be taken and deemed as sufficient evidence of the demand and refusal to pay specie before any justice of the peace or court of record in this state.

To bear interest,

Penalty on the cashier refusing to make such endorsement.

SEC. 3. In cases where the cashier of any bank branch bank or office of discount and deposit in this state shall refuse to endorse a bank note when presented to them for payment as aforesaid and the same is refused it shall be lawful for the holder of any such note to call two disinterested witnesses to witness the demand and refusal of payment as aforesaid as also the refusal of the cashier to endorse as aforesaid and the witnesses testifying to the same before some justice of the peace of the county in which such bank is situate it shall be lawful for such justice of the peace to make such endorsement and such note or notes by him so endorsed shall bear interest from the date thereof in the same manner as if the same had been endorsed by the cashier of the proper bank and it shall be the duty of such justice to keep a record of the

On refusal of such cashier to endorse, disinterested persons may be called in.

Power and duty of J. P. in case of such refusal.

date number and amount of all notes by him endorsed as aforesaid and if required so to do shall deliver a transcript of such record to such bank branch bank or office of discount and deposit and for every such transcript so furnished shall be allowed as fees twenty-five cents by those who shall require the same.

Allowance to J. Peace.

SEC. 4. Any person who shall endorse any note of any bank, branch bank, or office of discount and deposit in this state other than persons authorised so to do by this act or shall alter or deface the same when so endorsed by the proper officer upon conviction thereof before any court having competent jurisdiction shall be deemed as guilty of forgery and shall be liable to the pains and penalties that are prescribed by law for counterfeiting bank notes.

Penalty on those who shall make endorsement on such notes.

This act to be in force from and after the first day of August next.

CHAPTER XV.

AN ACT to repeal an act entitled an act to amend an act, entitled an act subjecting real and personal property to execution, approved 7th of January, 1818.

APPROVED—December 23, 1820.

SEC. 1. *BE it enacted by the General Assembly of the state of Indiana, That the act entitled "an act to amend an ac*

Repeal of the within named act.

entitled an act subjecting real and personal property to execution, approved January the eighteenth, one thousand eight hundred and twenty, be and the same is hereby repealed.

This act shall take effect and be in force from and after its publication.

CHAPTER XVI.

AN ACT providing for running and marking the line dividing the states of Indiana and Illinois.

APPROVED—January 8th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the governor be and he is hereby authorized and required to appoint a commissioner on the part of this state, to act in conjunction with a similar commissioner that may be appointed on the part of the state of Illinois, to adjust, run and mark the line between the aforesaid states, from where a north line from Vincennes, last leaves the north west bank of the Wabash river, to the north west corner of the state of Indiana, or to where said north line intersects the south end of Lake Michigan.*

A commissioner to be appointed on the part of this state, to act with a similar commissioner on the part of Illinois, to adjust, run and mark the line between said states.

Where to be run.

SEC. 2. The commissioners appointed pursuant to the provisions of this act, shall meet at the court house in the town of Vincennes, on such day as shall be designated

When and where said commissioners shall meet.

To be sworn.—
Their duties de-
fined.

by the executive authority of their respective states, and after being duly sworn, well and truly to perform the duties imposed by the provisions of this act, shall proceed to adjust, run and mark said state line agreeably to the boundaries designated by the act of Congress, approved April 19th, 1816, to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states.

Powers and duties
of such commis-
sioners.

SEC. 3. The commissioners appointed in pursuance of the provisions of this act, shall have power and are hereby authorized to employ a skilful surveyor and such chainmen and other persons as shall be necessary to run and mark said state line, agreeable to the provisions of this act, who shall severally take an oath or affirmation, well and truly to perform their several duties.

Further powers
and duties desig-
nated and marked
out.

SEC. 4. The commissioners shall cause the line to be sufficiently marked in the following manner: where the same runs through timbered land each sight tree to be marked with three notches on each side, and the trees at a convenient distance on each side to be blazed in such manner as will shew on which side the true line runs, and at the end of each and every mile, to set a post at least of six inches diameter of durable timber, to be set at least fifteen inches deep, and mark two or more bearing trees, as nearly as may be in opposite directions, with a blaze and notch across the same, and note the kind of tim-

ber, estimated diameter, and course and distance they are from said post, and to mark on one of said bearing trees, or some other convenient tree, with a marking iron the words (State Line) at full length; and where said line runs through a prairie, to raise a mound at least four feet high and four feet of a base at the end of each mile, and to note in the field book the crossing of each stream or water course, the width thereof, the course the same runs and whether navigable or otherwise, and make such other marks as they may deem necessary in order to perpetuate said state line.

SEC. 5. It shall be the duty of said surveyor to make out two fair and complete maps of the state line thus run and marked, on good and durable paper, by a scale of ten miles to an inch, with two fair copies of his field book with explanatory notes and references, annexed to each map under his hand and seal, which maps shall be approved of by said commissioners, and after jointly signing the same, to transmit one of said maps and field books to the secretary of state's office in their respective states, there to be deposited, who shall lay the same before the subsequent General Assembly of their respective states for their approval, and when approved by the proper authority of each state, the line so run and marked shall be and remain the permanent boundary line between the states of Indiana and Illinois.

The duties require
d of the surveyor
pointed out in this
section.

SEC. 6. The governor of this state is hereby authorized and required to transmit a copy of this act to the executive authori-

The Governor of this state to transmit a copy of this act, &c.

ty of the state of Illinois, with a request that the same may be laid before the General Assembly of said state, with a request that they will pass a similar law.

When the commissioner for this state shall be appointed.

SEC. 7. When the governor of this state shall be informed by the proper authority of the state of Illinois, that a similar law has passed, and they are ready on their part to carry the same into effect, he shall proceed to appoint a commissioner on the part of this state agreeable to the provisions of this act.

Allowance made to the commissioner, surveyor, chainmen, &c. on the part of this state.

SEC. 8. The commissioner on the part of this state shall receive as compensation for his services, the sum of three dollars per day for each day he may be necessarily employed in the duties of his office, to be paid out of the treasury of this state, and the surveyor, chainmen and other persons employed, shall receive such compensation as the commissioners shall deem reasonable: *Provided*, The whole expenses thereof shall not exceed five dollars per mile to be paid jointly by each state.

CHAPTER XVII.

AN ACT authorising the issuing of treasury notes.

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the governor of this state be and he is here-*

by authorised to cause treasury notes for the sum of ten thousand dollars, to be prepared, signed, and issued in the manner hereinafter provided; and the said treasury notes shall be reimbursed by the state of Indiana, one year respectively after the day on which the same shall have been issued.

Treasury Notes to be issued.

SEC. 2. The governor shall cause said notes to be printed or engraved with such device or figures as he shall deem best calculated to prevent counterfeiting; and the amount of each note respectively shall be five dollars, and the same shall be signed by the treasurer of state in behalf of the state of Indiana, and countersigned by the auditor of public accounts.

To be engraved as the governor may direct; signed by the treasurer, and countersigned by the auditor.

SEC. 3. The treasurer of state be and he is hereby authorised to issue the said treasury notes in payment of debts due by the state to all public creditors who shall receive the same, entering on said note or notes the date of the issue, and registering such date, with the number of the note or notes and to whom paid; which register shall be open for the inspection of the General Assembly; and it shall also be the duty of the treasurer to report the number, date and to whom paid of all notes so issued or paid out at the treasury, as also the date and number of each received in payment to the General Assembly annually; but no note or notes as aforesaid, shall be re-issued but by the authority of the General Assembly; and it shall be the duty of the treasurer on receiving any of the aforesaid notes in payment to the treasury, to

Power and duty of treasurer of state.

Further duty of the treasurer.

give a receipt for the same, expressing the date, number and amount of such notes so by him received, which receipt shall be delivered to the auditor of public accounts, which shall be preserved by him as a voucher against the treasurer; and he shall report the same to the General Assembly in his annual report.

Treasury Notes
made transferable.

SEC. 4. The said treasury notes shall be transferable by delivery, or assignment endorsed thereon by the person to whose order the same shall on the face thereof have been made payable.

Treasury Notes
received in pay-
ment of taxes due
the state, and for
lots or lands sold
by the authority of
the same.

SEC. 5. The said treasury notes shall be received in payment of all taxes laid by the authority of the state, and for all lots or lands sold by the authority of the same, and every collector, officer or agent who shall receive any of the aforesaid notes in payment of the same to the treasury or proper receiver thereof, receive a credit for the amount expressed on such note or notes by him so paid: *Provided*, That so much of the said treasury notes as may be received in payment for lots or lands sold by the authority of the state, or on account of any public institution shall be redeemed by the state with other funds as in other cases, and such funds shall and the same is hereby pledged and appropriated to be applied to the objects for which such lots or lands were originally given or donated.

The state pledged
to redeem them.

Ten thousand dollars of the revenue of the state is hereby pledged and appropriated for the redemption of the treasury notes aforesaid, and so much of any mo-

nies as may be in the treasury not otherwise appropriated, is hereby appropriated for that purpose.

The sum of two hundred dollars be and the same is hereby appropriated to be paid out of any monies in the treasury, not otherwise appropriated, for the defraying of the expence of preparing, printing, engraving or otherwise incident to the issuing of the treasury notes authorised by this act.

\$200 appropriated
to defray the ex-
penses attendant
on the issuing said
notes.

If any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any note purporting to be a treasury note as aforesaid, or shall falsely aid or assist in falsely altering any treasury note issued as aforesaid, or shall pass, utter or publish or attempt to pass, utter or publish as true any false, forged or counterfeited note purporting to be a treasury note as aforesaid, knowing the same to be falsely forged or counterfeited, or shall pass, utter or publish, or attempt to pass, utter or publish as true any falsely altered treasury note issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being convicted by due course of law, shall be sentenced to be whipped not exceeding thirty-nine stripes on his, her or their bare back, and imprisoned not exceeding six months, and fined not exceeding five hundred dollars with costs of prosecution:—*Provided*, That nothing in this act shall be so construed as to authorise the agent

Penalty on those
who shall counter-
feit, forge or pass
said notes.

And their punish-
ment.

Not receivable in payment of lots belonging to state seminaries.

of the state seminary to receive treasury notes in payment for debts due on account of the sale of seminary lots.

This act to take effect and be in force from and after its passage.

CHAPTER XVIII.

AN ACT appointing commissioners to lay off a town on the site selected for the permanent seat of government.

APPROVED—January 6, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That sections one and twelve east and west fractional sections numbered two east fractional section numbered eleven and so much of the east part of west fractional section numbered three to be set off by a north and south line as will complete four entire sections, or two thousand five hundred and sixty acres of land in township fifteen north and range three east of the second principal meridian, being the site selected by the commissioners appointed by an act of the General Assembly of this state, approved January the eleventh, one thousand eight hundred and twenty, entitled "an act appointing commissioners to select and locate a site for the permanent seat of government of Indiana," which appears by the report of the said commissioners, bearing date the seventh day of June, eight cen*

The site for the seat of government established, as located by the commissioners heretofore appointed.

hundred and twenty, be and the above described land is hereby established as a permanent seat of government of the state of Indiana.

SEC. 2. There shall be chosen by joint ballot of both houses of the General Assembly three commissioners for the purposes hereinafter mentioned who before entering on the duties of their office shall take and subscribe the following oath or affirmation to wit: I A. B. being appointed a commissioner to lay off a town on the site selected as a permanent seat of government do solemnly swear or affirm as the case may be) to perform the duties of that appointment to the best of my knowledge and ability which oath any Judge or justice of the peace is hereby authorised to administer and sign a certificate thereof and deliver the same to said commissioner or commissioners.

Three commissioners chosen and their oath of office prescribed.

SEC. 3. The said commissioners or a majority of them shall meet at the site above named on the first Monday in April next or as soon thereafter as they conveniently can and shall proceed to lay out a town on such part of the land selected and hereby established as the seat of government as they may deem most proper, and on such plan as they may conceive will be advantageous to the state and to the prosperity of said town having specially in view the health, utility and beauty of the place. Said commissioners are hereby authorised to employ a skilful surveyor, chainmen and such other assistants as may be necessary in order to survey and lay out said town agreeably to their directions,

When said commissioners shall meet to lay off said town.

May appoint a surveyor.

who shall first be sworn faithfully to fulfil the several duties that may be assigned them by the provisions of this act, which oath any one of said commissioners is hereby authorised to administer.

Surveyor to make out two plats of sd. town, one of which to be sent to the Secretary of State the other to the agent of said town.

SEC. 4. It shall be the duty of the said surveyor after laying out said town to make out two complete copies of the plan of said town on parchment or good and durable paper with the proper references and explanatory notes annexed thereto designating the contents of each lot in square feet the length of each line binding the same, the width of each street and alley the contents of each square that may be designated on the plan thereof as public ground and for what intended whether for civil or religious purposes the courses and length of all streets and alleys with their names thereto annexed noting particularly on said map the variation of the needle from the true meridian which maps and explanatory notes and references after being approved of by said commissioners and by them countersigned, shall be by them disposed of as follows, one copy shall be by them transmitted to the office of the Secretary of state together with the certificates of their oath as prescribed by the second section of this act thereto annexed on or before the first Monday in December one thousand eight hundred and twenty-one which maps and accompanying documents he shall record in the office of state and lay the original papers before the House of Representatives within eight days after the commencement of the next session of the General Assembly the other

copy thereof shall by said commissioners be delivered to the agent appointed under the provisions of this act at least thirty days previous to the sale of any lots in said town.

SEC. 5. The said commissioners are hereby authorised and required to offer for sale at public vendue for the best price they will bring as many of the lots in said town as they may deem expedient reserving unsold every second odd number commencing at number one they shall advertise the time and terms of sale in at least three public newspapers, printed within this state and in such other newspapers printed without the state as they may deem necessary to give general information of the time of such sales for at least three months previous to such sales.

The commissioners shall expose the lots of said town having been notice thereof.

SEC. 6. Every purchaser of any lot or lots shall at the time of making such purchase pay into the hands of the agent one fifth part of the purchase money the residue to be paid in four equal annual instalments the purchaser in all cases to have a discount at the rate of eight per cent. per annum for prompt payment on any instalment for all monies paid for the purchase of lots,

Condition & terms of sale of said lots.

SEC. 7. The commissioners shall make a return of their proceedings a correct account of sales the aggregate amount thereof the amount of money paid into the hands of the agent the number of lots sold and such other information as they may deem necessary on or before the fourth Monday in November next to the Secreta-

The commissioners to report to the Secretary of State their proceedings.

ry of state who shall lay the same before the next House of Representatives within three days after the commencement of the next session of the General Assembly.

Allowance to commissioners, and surveyor.

SEC. 8. Each commissioner shall receive the sum of three dollars per day for every day necessarily spent in performing the duties of commissioner they shall make out their accounts under their hands and seals which accounts the auditor shall audit and the treasurer pay out of the monies arising from the sales of lots in said town and they shall certify a reasonable allowance to the surveyor chaincarriers and other assistants which certificate shall authorise the auditor of public accounts to audit the same and the treasurer shall pay the same as above named.

An agent appointed, to give security, and take an oath of office.

SEC. 9. There shall be an agent chosen by joint ballot of the General Assembly who shall serve for and during the term of three years and until a successor be chosen and qualified which agent shall be commissioned by the Governor and he shall before entering on the duties of his office take an oath or affirmation, well and truly to perform the duties of his office and shall moreover enter into bond with good and sufficient securities to be approved of by the Governor to be made payable to the Governor of the state for the time being and his successors in office in the penal sum of twenty thousand dollars conditioned for the faithful performance of the duties of his office as may from time to time be prescribed by law and a certificate of the oath or affirmation shall be endorsed on the commission by the person adminis-

tering the same as also a certificate of entering into bond shall be endorsed thereon by the Secretary of State in whose office said bond shall be deposited.

SEC. 10. It shall be the duty of said agent to attend the sale of the lots as directed by the preceding sections of this act, receive all monies that may be paid into his hands for the purchase of lots in said town and give the necessary acquittances therefor give the certificates to purchasers of lots in said town describing the lot so purchased, the date of such sale the amount paid in hand the amount of each instalment and the time they severally become due, and should not said instalments be punctually paid on the day they become due, the said agent shall charge interest thereon at the rate of six per cent. per annum from the date of such certificate until paid, and when the payments are completed the said agent is hereby authorised and required to make to such purchaser or his legal representative a deed in fee simple in behalf of the state of Indiana: *Provided however,* That no person or persons who may purchase any lot or lots in said town adjacent to White river shall thereby be entitled to any right of ferry, but the sole right of ferry at said town or from off the land belonging to the state in its vicinity shall always be and remain vested in the said town any law or usage to the contrary notwithstanding.

The power and duty of such agent as to receipts of money and conveyances.

Proviso ; rights to ferries, reserved for the use of said town.

SEC. 11. It shall be the duty of the said agent to record in a book to be kept by him for that purpose the map or plan of said town with all other papers belonging to his

Further duties of such agent ; to keep a record of his proceedings.

office he shall also register in his record book the number of each lot sold in the order in which they were sold the date of the sale the name or names of the purchaser or purchasers the amount for which each lot was sold the amount paid in hand the balance due the amount of each instalment and the time they become due.

On failure of payment lots forfeited and re-exposed to sale.

SEC. 12. Should any purchaser or purchasers his her or their legal representative fail to complete their payments within three months after the last instalment becomes due on any lot or lots sold agreeably to the provisions of this act the said lot or lots are hereby declared forfeited and the agent is hereby authorised to take possession thereof in the name of the state and shall proceed to advertise the said lot or lots again for sale giving three months public notice in some newspaper printed in this state of such sale: *Provided*, That the original purchaser may at any time previous to such sale redeem such lot or lots by paying up all arrearages and the costs of such advertisement.

Proviso for redemption.

Agent shall make quarterly returns to the Auditor of Public Accounts.

SEC. 13. The agent shall transmit quarterly returns of all his proceedings to the auditor of public accounts stating particularly the amount of money by him received the date of receiving each separate sum, and from whom received the number of the lot on which the same was paid and for which instalment the same was paid and such other details as may be necessary to explain said quarterly returns and the auditor shall charge the agent with the amount of the monies by him received agreeably to said returns.

He shall annually pay over to the Treasurer of state.

SEC. 14. The agent shall annually on or before the first Monday of December pay into the treasury of the state all money that he may receive for the purchase of lots and take his receipt therefor which receipt he shall produce to the auditor of public accounts, within three days thereafter who shall thereupon give said agent a credit on the books of his office and moreover give said agent a quietus for the amount thereof and shall charge the treasurer with the amount of such receipt which he shall put on file with the papers of his office.

And on failure to make such payments suit shall be commenced against him.

SEC. 15. Should the agent fail to pay over to the treasurer the monies in his hands agreeably to the provisions of this act and produce his receipt to the auditor within the time specified the auditor shall proceed against said agent in the same manner as is prescribed by law for proceeding against delinquent sheriffs and his quarterly returns are to be taken as conclusive evidence against said agent.

He shall deliver his books &c. to his successor.

SEC. 16. The agent appointed by virtue of this act shall deliver over to his successor in office all monies, books, and papers belonging to or appertaining to his office.

Vacancies to be filled by the Governor.

SEC. 17. Should the office of agent at any time become vacant the Governor is hereby authorised and required to appoint and commission an agent to fill such vacancy whose commission shall expire at the end of the succeeding session of the General Assembly and the agent thus appointed and commissioned shall in all respects during his continuance in office be govern-

ed by the same rules and regulations be liable to the same penalties for failing to perform the duties of his office as the agent appointed by the General Assembly.

Agent to prosecute for all trespasses committed.

SEC. 18. The agent is hereby authorised and required to take possession of all the lands described in the first section of this act in the name of the state of Indiana and it shall be his duty to prosecute to final judgment every person or persons who shall after the taking effect of this act, commit any waste of timber on said land and every such person or persons on conviction thereof shall be subject to the same penalties that persons are subject to for similar offences, in the eighth section of an act entitled "an act to prevent waste on lands reserved for the use of schools and salt springs" approved January the twenty-ninth one thousand eight hundred and eighteen.

He shall keep his office at said town.

SEC. 19. It shall be the duty of said agent to keep his office at the town aforesaid and he shall within nine months after the taking effect of this act fix his permanent residence therein during his continuance in office.

The Treasurer of state to give additional bond.

SEC. 20. It shall be the duty of the treasurer of state previous to receiving any of the monies arising from the sale of lots, to file in the office of secretary of state a bond payable to the Governor and his successors in office in addition to the bond heretofore given by him for the faithful discharge of the duties of his office with two or more securities to be approved of by the Governor in the penal sum of twenty thousand dollars, conditioned for the

faithful performance of the duties, imposed on him by the provisions of this act and the treasurer shall be allowed in addition to the salary heretofore given by law, one per cent on all monies received and paid out by him arising from the proceeds of the sale of the lots aforesaid and the auditor of public accounts shall be allowed one half per cent on all monies paid into the treasury as aforesaid. The agent shall receive for his services the sum of six hundred dollars per annum to be paid quarterly out of the monies arising from the sale of lots.

Allowance to Treasurer & auditor.

Agent's salary.

Indianapolis the name of said town.

SEC. 21. The said town laid out as the permanent seat of government for the state of Indiana shall be called and known by the name of Indianapolis.

SEC. 22. It shall be the duty of the secretary of state to send a written notification to the persons who may be elected commissioners under the provisions of this act, of their appointment on or before the first day of February next.

The secretary of state shall notify the commissioners of their appointment.

SEC. 23. The monies arising from the sale of lots shall remain in the treasury and constitute a fund for the special purpose of erecting the necessary public buildings of the state.

The proceeds of such sale appropriated.

SEC. 24. This act shall take effect and be in force from and after its publication in the Indiana Gazette.

CHAPTER XIX.

AN ACT for the relief of Sheriffs.

APPROVED—December 25th, 1820.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sheriffs of this state, who may have resigned or whose term of service may have expired, shall be, and they are hereby authorised to proceed in the collection of taxes, fee bills, fines and executions, which were due them at the time their said offices were vacated, under the same rules and regulations which they were authorised by virtue of their respective commissions:—*Provided,* Such authority shall not extend to a longer term than two years.

Sheriffs who have resigned, & whose term of service has expired may continue the collection of taxes &c.

SEC. 2. It shall be the duty of the respective sheriffs herein provided for, to give twenty days notice, by advertising in three of the most public places in the different townships of their respective counties, of the days they will attend at the seat of justice, by themselves or their deputies, to receive the money due them as aforesaid, and provided the persons owing the same, neglect to attend and pay the amount due, as required in said notice, then it shall be lawful for such sheriffs, or their deputies to proceed to collect the amount due together with the same cost, and per centum which they would have been entitled to, had the same been distrained for, when they respectively become due, by distraint and sale of property, after giving ten days notice of said sale.

They shall give twenty days notice of the time and places they will attend for such purposes.

Persons failing to attend may be proceeded against as in ordinary cases.

SEC. 3. That all acts of sheriffs in any county in this state in collecting taxes, advertising real estates for sale for taxes, sale thereof, making deeds, or giving certificate or certificates of real estate to the purchaser or purchasers of real estate for the non-payment of taxes; and the said deeds or certificates given to the purchasers of real estate sold for the non-payment of the taxes due thereon, shall be legal and are hereby legalized in all respects as though the same had been done by their successors in office: *Provided,* Such collection and sale, shall have been conducted in all other respects agreeably to the laws of this state.

All acts of such sheriffs shall be legal, and is hereby legalized as tho' the same had been done by their successors in office.

SEC. 4. And whereas it is represented to this General Assembly that Benjamin V. Beches, late sheriff and collector for the county of Knox, has paid into the state treasury twenty-four dollars and eighty cents more than was due from him as collector for the year eighteen hundred and twenty: *Therefore be it enacted,* That the auditor of public accounts be, and he is hereby authorised to audit and allow the said sum of twenty-four dollars and eighty cents; and that the treasurer of state pay the same out of any money in the treasury not otherwise appropriated.

Allowance to B. V. Beches for money over paid.

SEC. 5. *Be it further enacted,* That the auditor of public accounts is hereby authorised and directed to audit the account of William Hamilton, administrator of the estate of John Hamilton late sheriff of Dearborn county, deceased, for eight dollars and thirty cents; it being the

Allowance to the administrator of John Hamilton for money paid on lands improperly taxed.

amount of money paid by him into the state treasury in the year eighteen hundred and seventeen on lands improperly taxed; and the treasurer is hereby directed to pay the same out of any money in the treasury not otherwise appropriated

SEC. 6. That where any sheriff shall have heretofore legally sold any lands, lots or tenements by virtue of any execution in his hands, and shall have failed to make a title for the same where the purchase money has been paid, and no title of any kind made by the sheriff who sold the same; it shall be lawful for his successor or any sheriff of the proper county, who may have been subsequently appointed or elected and qualified, to make to the purchaser of such lands, lots or tenements a deed for the same in the same manner, and under the same rules and regulations, as the sheriff who sold the same might or could have done.

This act shall take effect and be in force from and after its passage.

CHAPTER XX.

AN ACT authorising the establishment of fire companies.

APPROVED—January 5th, 1821.

WHEREAS it has been represented to this General Assembly, that an act authorising the establishment of fire companies,

When lands have been sold by any sheriff and no title made thereto, his successor may perform that duty.

would greatly tend to prevent the destructive effects of fire, and promote an useful and organized co-operation for the suppression thereof: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That* from and after the publication of this act, it shall be lawful for any number of persons, resident within any town or corporation within this state, exceeding forty persons, to form themselves into a company or companies for the purpose of extinguishing fire; who on having their names and subscriptions recorded in the recorder's office of the proper county, are hereby authorised to make such rules and regulations as to a majority of said company or companies may seem proper and necessary for the procuring of engines, buckets, hooks and ladders & all implements necessary for working said engines and exercising the companies raised; and all fines and forfeitures, for non-attendance or delinquency imposed by the regulations to be adopted by the companies, provided for by this act, not exceeding twenty dollars, shall be recoverable by action of debt, before any justice of the peace of the proper county, by the said company in their corporate capacity, which said fines and forfeitures, shall be for the use of the company suing for the same.

Fire companies may be formed under certain restrictions.

May form by-laws &c.

[Preamble.]

CHAPTER XXI.

AN ACT arranging the boundary line between the counties of Washington and Scott.

APPROVED—December 26th, 1820.

Be it enacted by the General Assembly of the state of Indiana, That so much of the county of Scott as is south of a line commencing on the boundary line between the counties of Washington and Scott, at the southwest corner of section twenty in town two north of range six east; thence running east with the sectional line, until it intersects the Clark county line be, and the same is hereby attached to, and shall form a part of the county of Washington in the same manner as if it had never formed a part or been attached to the county of Scott.

This act to take effect and be in force from and after its passage.

CHAPTER XXII.

AN ACT making specific appropriations.

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of fifty one dollars be allowed to Henry P. Coburn clerk of the supreme

Allowance to clerk of supreme court.

court for books and stationary furnished for the use of said court.

To Benjamin J. Blythe for his services as clerk to the commissioners appointed to locate a permanent seat of government for the state of Indiana the sum of fifty six dollars.

To Benj. Blythe.

To Robert A. New secretary of state the sum of fifteen dollars for preserving the furniture and stationary of the General Assembly under a joint resolution of the last General Assembly, approved January 22d 1820.

R. A. New.

To William H. Lilly the sum of six dollars for a book for the use of the auditor's office.

W. H. Lilly.

To Robert Hopkins, William Heth, Levi Owen, Johnson Conway, George W. Garrison and William Wright, the sum of eight dollars each for their attendance as witnesses for four days on behalf of the state on the trial of the impeachment against Jacob Brookhart a justice of the peace at the present General Assembly.

Robert Hopkins and others.

To John Tipton the sum of three dollars per day for his services attending on the supreme court as sheriff of Harrison county from the tenth day of July, 1820, until the fifth day of August then next ensuing inclusive.

John Tipton.

To Joseph Paddacks the sum of three dollars per day for attending on the supreme court as sheriff of Harrison county at the November term of said court in 1820, twenty days.

Joseph Padox.

To James Lightfoot the sum of seven dollars for furnishing one table for the use of the house of representatives, for repair.

James Lightfoot.

ing one table and the door of the representative chamber.

Joseph Rose. To Joseph Rose the sum of five dollars for one table furnished for the use of the house of representatives.

Levin Cooper. To Levin Cooper the sum of four dollars and thirty-seven and a half cents for one table furnished for the use of the Speaker of the house of representatives.

To Wilson and Bayless the sum of three dollars and fifty cents for an ax furnished for the use of the house of representatives.

Israel Butt. To Israel Butt the sum of two dollars for repairing the stove in the house of representatives at the present session; and one dollar and fifty cents for a similar service during the last session of the General Assembly.

John T. Jamison. To John T. Jamison the sum of seventy five cents for recording the bond of the secretary of state with certificate, &c.

W. Gwartney. To William Gortney the sum of ten dollars for distributing the laws of the last session to the counties of Martin and Scott.

The late sheriff of Knox county. That the sum of twenty four dollars and eighty cents is hereby appropriated in discharge of the claim of Benjamin V. Beckes late sheriff of Knox county allowed him by an act of the present General Assembly, and that the sum of eight dollars thirty cents be appropriated in discharge of the claim in favour of William Hamilton administrator of John Hamilton late sheriff of Dearborn county deceased as allowed him by the said act of assembly.

To the governor. That the sum of one hundred dollars be appropriated for the purpose of defraying the expenses of his excellency the govern-

or while investigating the situation of the several banks and branch banks in this state under the provisions of a joint resolution of the present General Assembly to be paid out of any monies in the treasury not otherwise appropriated.

To Levin Cooper for making a seat for the lt. governor and secretary of the senate six dollars. Levin Cooper.

To each clerk of the house of representatives and their assistants and the secretary and assistant secretary of the senate the sum of three dollars and fifty cents each for each days service during the present session of the General Assembly.

Clerks, secretaries
door-keepers, &c.
of each house.

To the door-keeper of the senate and door-keeper of the house of representatives the sum of two dollars each per day for each days service during the present session.

To Francis N. Moore sergeant at arms to the senate and house of representatives the sum of three dollars per day for each days service during the present session.

SEC. 2. The auditor of public accounts shall audit the sums hereby allowed and the treasurer of state shall pay the same out of any monies in the treasury appropriated for the expences of the legislative department for the current year, and the allowance to the sheriffs of Harrison county for attendance on the supreme court shall be paid out of the appropriation for the judiciary department for the current year.

This act shall take effect from and after its passage.

CHAPTER XXIII.

AN ACT for the better regulation of the town of Corydon.

APPROVED—January 5, 1821.

Preamble.

WHEREAS it is represented to this General Assembly that great inconvenience and loss of property is likely to arise for want of some permanently marked corner at which persons wishing to run their lots could hereafter begin, for remedy whereof;

The trustees may employ some person to run the lots streets &c. of said town agreeably to the original survey thereof.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the board of trustees of the town of Corydon be and they are hereby authorised to employ some skilful person to run the lots, streets and alleys of said town agreeably to the original survey thereof; who after being duly sworn to a faithful discharge of the duties of his appointment before some person legally authorised to administer the same, shall proceed to survey all the lots, streets and alleys of said town, and shall mark one corner of each block or square of lots, by planting thereat a stone or durable post at which every person hereafter wishing to survey his, her, or their lots shall begin.

Buildings heretofore erected shall not be interfered with.

SEC. 2. Nothing in the first section of this act shall be so construed as to cause any person to remove any brick stone, frame or hewed log house heretofore erected should they not be precisely on that part

of their lot where they should have been built, but all persons hereafter building, shall, build agreeably to the new survey; and every fence or other small building which may have been built or any part of it on the street, may be removed at the discretion of the board of trustees.

This act to be in force from and after its passage.

CHAPTER XXIV.

AN ACT for the formation of a new county north of Vigo county.

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after the first Monday of April next, all that part of the county of Vigo contained in the following bounds, shall form and constitute a separate county, viz: beginning at the line dividing the states of Indiana and Illinois, where the line between townships thirteen and fourteen north intersects the same, thence east to the line dividing ranges six and seven west, of the second principal meridian, thence north to the line dividing townships seventeen and eighteen north of the base line, thence west to the state line, dividing the states of Indiana and Illinois, thence south to the place of beginning.

New county determined out of Vigo boundaries.

SEC. 2. The said new county shall be

Name:

known and designated by the name of the county of Parke, and shall enjoy all the rights and privileges and jurisdictions which to separate and independent counties do or may properly appertain or belong.

Commissioners appointed to fix the seat of justice.

SEC. 3. James Barnes of Owen county, Richard Palmer of Daviess county, George Ewing of Knox county, Andrew Wilkins of Sullivan county, and John M. Colman of Vigo county are hereby appointed commissioners agreeable to the act entitled an act for the fixing of the seats of justice in all new counties hereafter to be laid off. The commissioners above named shall convene at the house of Samuel Blair, in the said county of Parke on the third Monday of February one thousand eight hundred and twenty-two and shall immediately proceed to discharge the duties assigned to them by law. It is hereby made the duty of the sheriff of Vigo county to notify the said commissioners either in person or by written notification of their appointment on or before the fifteenth day of February next and the said sheriff of Vigo county shall receive from the said county of Parke, so much as the county commissioners shall deem just and reasonable, who are hereby authorised to allow the same out of any monies in the county treasury in the same manner other allowances are paid.

When and where to meet.

Sheriff of Vigo county to notify them.

Compensation to Sheriff.

Courts where to meet.

SEC. 4. That the circuit court of the county of Parke shall meet and be holden at the house of Samuel Blair, in the said county of Parke until suitable accommodations can be had at the seat of justice, and

so soon as the courts of said county are satisfied that suitable accommodations can be had at the county seat they shall adjourn their courts thereunto, after which time the courts for the county of Parke shall be holden at the county seat of Parke county established as the law directs: *Provided however*, That the circuit court shall have authority to remove the court from the house of Samuel Blair, to any other place, previous to the completion of the public building should the said court deem it expedient.

To be adjourned to the county seat.

Proviso.

SEC. 5. That the agent who shall be appointed to superintend the sales of lots at the county seat, of the county of Parke, shall reserve ten per cent. out of the proceeds thereof, and also ten per cent. out of the proceeds of all donations made to the county, and pay the same over to such person or persons, as may be appointed by law to receive the same for the use of a county library for the said county of Parke, which he shall pay over at such time or times, and place as may be directed by law.

County agents duty.

SEC. 6. The board of county commissioners of said county of Parke shall within twelve months, after the permanent seat of justice shall have been selected proceed to erect the necessary public buildings therein.

Public buildings to be erected.

SEC. 7. That the said new county of Parke shall be attached to Vigo county, for the purpose of electing a representative and a part of the district composed of Vigo, Sullivan, Green and Owen for the purpose of electing a senator to the Gener-

Election districts preserved.

al Assembly until otherwise directed by law.

Powers given to
establish a county
library.

SEC. 8. That the power privileges and authorities that are granted to the qualified voters of the county of Dubois and others named in the act entitled "an act incorporating a county library in the counties therein named approved January the twenty-eighth one thousand eight hundred and eighteen to organize, conduct and support a county library are hereby granted to the qualified voters of the county of Parke, and the same power and authority therein granted to and the same duties therein required of the several officers, and the person or persons elected by the qualified voters of Dubois county and other counties in the said act named for carrying into effect the provisions of the act entitled "an act to incorporate a county library in the county of Dubois, and other counties therein named according to the true intent and meaning thereof are hereby extended to and required of the officers and other persons elected by the qualified voters of the county of Parke.

SEC. 9. This act to take effect and be in force from and after its publication in the Indiana Centinel.

CHAPTER XXV.

AN ACT supplementary to the act entitled "an act to incorporate Madison Academy" approved January 11th 1820.

APPROVED—January 2, 1821.

Be it enacted by the General Assembly of the state of Indiana, That the trustees of Madison Academy be and they are hereby authorized, at any time they may think it expedient, to increase the number of trustees of said academy, to any number not exceeding eleven, in such manner as has been, or may hereafter be provided for, by the by laws of said Academy.

Trustees of Madison Academy may be increased.

CHAPTER XXVI.

AN ACT for the benefit of John De Pauw.

APPROVED—January 2, 1821.

Be it enacted by the General Assembly of the state of Indiana. That John De Pauw of Washington county, be, and he is hereby allowed until the twenty-fifth day of December in the year eighteen hundred and twenty-three, to complete a slope or lock in a mill dam by him erected a-

cross the Muscakituck river, any existing law to the contrary notwithstanding.

CHAPTER XXVII.

AN ACT legalizing the board of county commissioners of the county of Vigo and for other purposes.

APPROVED—January 8th, 1821.

WHEREAS it is represented to this General Assembly that in March, 1818, the county of Vigo was organized and three commissioners for said county were elected; and the act organizing the board of county commissioners does not provide when the election for commissioners shall take place upon the organization of a new county; and whereas the first board were elected in March, 1818, and Ezra Jones being elected one of the said board, drew for one year, and Isaac Lambert, who drew for two years and John Hamilton who drew for three years; and the said board being of opinion that the seat of the said Ezra Jones would be vacated in August, 1818, ordered an election, whereupon the said Ezra Jones was re-elected; and that in August, 1819, the said Isaac Lambert's seat would be vacated, and ordered an election to fill the vacancy when the said Isaac Lambert was re-elected to fill his own vacancy; and that in August, 1820,

Preamble.

the said John Hamilton's seat would vacated, and an election was ordered at the last annual election to fill the vacancy of the said John Hamilton, when Gresham Tuttle was elected and received his certificate and was sworn into office and an election was ordered at the last annual election also to fill the vacancy of Ezra Jones who had previously resigned and John M. Colman was elected to fill said vacancy, and whereas John Hamilton has considered that he has a right to his seat until March eighteen hundred and twenty-one in consequence of which four commissioners have appeared and taken their seats at the last meeting of the board of county commissioners, and whereas doubts are entertained of the legality of said board since August eighteen hundred and eighteen, and also of the time the commissioners elected in March eighteen hundred and eighteen were to serve: wherefore, in order that no inconvenience and injury may result—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Ezra Jones's election in August eighteen hundred and eighteen, and Isaac Lambert's election in August eighteen hundred and nineteen, and Gresham Tuttle's election in August eighteen hundred and twenty, and John M. Colman's election in August eighteen hundred and twenty, to fill said vacancy be and they are hereby respectively confirmed and legalized; and the said John Hamilton's seat is declared*

The election of Ezra Jones, et alias commissioners of Vigo county confirmed.

Hamilton's seat vacated.

to be vacated from the time Gresham Tuttle was sworn into office.

SEC. 2. *Be it further enacted*, That the proceedings of the said board of county commissioners of Vigo county, since the organization of said board in all things, be, and the same are hereby legalized and made valid, as though the members of said board had in all things been legally elected; and the said Gresham Tuttle shall be entitled to his seat as a member of said board until August eighteen hundred and twenty-three, and John M. Colman to his seat until the time expires for which Ezra Jones was elected, so that hereafter the election for members of said board shall be held at the annual election, and shall serve three years from the time elected.

This act shall take effect from and after its passage.

CHAPTER XXVIII.

AN ACT for the relief of the administrators of the estate of John McMertry deceased and Tubby Bloyd.

APPROVED—January 8th, 1821.

WHEREAS it has been represented to this General Assembly that one John McMertry deceased did in his life time in connection with one Tubby Bloyd, enter the south west quarter of section

proceedings of
said board legal-
ized.

Preamble.

number twenty-two, in town four south of range eight west of the district of lands offered for sale at Vincennes; and that the certificate for the same was taken out in the sole name of the said McMertry, but under the understanding that the said Tubby Bloyd was to have the east half of the said quarter section of land; and whereas by petition of the administrators of the estate of the said John McMertry deceased and said Bloyd, it appears they are desirous that the said administrators should be empowered to secure to the said Bloyd a title to the said half quarter section of land—Therefore,

Be it enacted by the General Assembly of the state of Indiana, That Isaac Hudson administrator and Amelia McMertry administratrix of the estate of John McMertry deceased be and they are hereby authorised and empowered to execute to the said Tubby Bloyd their bond in the penalty of one thousand dollars for the conveyance of the east half of the southwest quarter of section number twenty two in town four south of range eight west of the district of lands offered for sale at Vincennes: *Provided*, the said Tubby Bloyd shall well and truly pay each and every instalment that may be due or which may hereafter become due on such half quarter section of land, then and in that case the said administrators are hereby authorised and empowered to execute to the said Bloyd a deed of general warranty in fee simple to the said land; which bond and deed shall have the same force, validity

The administra-
tors of John Mc-
Mertry deceased,
may convey a cer-
tain tract of land.

Proviso.

and effect as if made by the said McMertry in his life time.

This act shall take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT incorporating New-Albany school.

APPROVED—January 8th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Seth Woodruff, John Eastborn, Charles Woodruff, Samuel C. Miller, and Samuel Marsh be and they are hereby incorporated a body politic and corporate by the name and style of the president and managers of the New-Albany school.*

SEC. 2. The said President and managers hereby incorporated shall continue in office until the first Monday in May next at which time and annually thereafter it shall be lawful for the citizens of the town of New Albany to meet at the place where the school in said town is kept and elect five trustees who shall also be householders resident in said town for the ensuing twelve months which election shall be governed in all respects as the elections for trustees of towns.

SEC. 3. The persons hereby incorporated shall hold a meeting on the first day of January next and when met shall choose

New-Albany school incorporated.

When the trustees hereafter shall be elected.

When they shall first meet & choose a President.

from among their number one to preside as president of the managers and ever afterwards at the first meeting of each board of managers after their annual election a president shall in like manner be chosen.

SEC. 4. The president and managers of the New-Albany school hereby incorporated shall have full power in their corporate name and capacity of suing and being sued pleading and being impleaded answering and being answered unto, both in law and equity. They shall have and use one common seal to be devised by the president and managers and subject to alteration at their pleasure. A quorum of three shall be sufficient to do and transact all business pertaining to their duty. They shall have the power of appointing the time of their meetings and make such by-laws as may be requisite for the government of the corporation not inconsistent with the constitution and laws of this state. Also to supply by an election any vacancy in their numbers by death resignation or refusal to serve.

SEC. 5. They shall have charge of the five lots in New-Albany designated on the plan of said town as school lots. Also the money belonging to the school fund of said town, which lots they may lease for a term not exceeding seven years and the money they may loan out not exceeding one year taking bond and security in the name of the president and managers hereby incorporated. They shall also have the right of receiving any donations which may be made to them for the use of said school.

Power and duties of president and managers.

Further power of the president and managers.

May appoint a clerk and treasurer.

SEC. 6. They shall have the power of appointing a clerk and treasurer to the managers and such other officers as by them may be found necessary who shall be removed at the pleasure of the board.

Power given to the president and managers to sue and collect what is or may hereafter be due.

SEC. 7. The proceedings had on the school fund aforesaid by Seth Woodruff, John Eastburn and Charles Woodruff are hereby legalized and the trustees appointed by this act or their successors in office shall have full power and authority to sue recover and collect all monies which may have been loaned or which may hereafter be loaned belonging to the school fund and all rents for school lots which may be due to said fund or which may hereafter become due. And the trustees aforesaid and their successors in office shall have full power and authority to do and perform all acts which may be necessary to carry into effect the general provisions of this act: *Provided however*, that the fund aforesaid shall be exclusively applied for the benefit of the inhabitants of said town.

This act to take effect from and after its passage.

CHAPTER XXX.

AN ACT for incorporating the Indiana Cotton Manufacturing Company.

APPROVED—January 9, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That*

John Badger Charles Paxton Joseph Whitcomb James Besse Ebenezer Baldwin and others be and they are hereby authorized and empowered to form a company for the purpose of manufacturing cotton goods in the town of New Albany, county of Floyd and state aforesaid, and they and their successors shall for the term of twenty years next after the first day of January eighteen hundred and twenty be a body politic and corporate in fact and in name, by the name and style of the president and trustees of the Indiana Cotton Manufacturing Company and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of suits, actions, complaints and causes, and that they and their successors may have a common seal, and make and alter the same at their pleasure, and they and their successors by their corporate name shall in law be capable of buying, purchasing, holding and conveying, any lands, tenements, hereditaments, goods, wares and merchandise whatever, necessary to enable the said company to carry on their manufacturing operations: *Provided*, that the said company shall not at any time hold real estate of more value than thirty thousand dollars.

SEC. 2. That the stock property and concerns of the said company shall be managed and conducted by the said John Badger, Charles Paxton, Joseph Whit-

A manufacturing company may be formed.

The same incorporated for twenty years.

Capability of such corporation.

Proviso.

John Badger and others shall constitute a board of trustees until June next.

Mode and manner
of electing trustees
thereafter.

comb, James Besse and Ebenezer Bawdin, who are hereby constituted a board of trustees with power to elect one of their body as president, until the first day of June next, and after that day the same shall be conducted by trustees, who shall be elected on the first day of June annually at such hour of the day and at such place in the town aforesaid, as the president and trustees for the time being shall appoint, and public notice shall be given of the time and place of holding such election not less than ten days previous thereto, in the newspaper printed in or nearest to the town of New Albany—and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and elections shall be by ballot, and each stockholder shall be entitled to one vote, and the person having the greatest number of votes shall be trustees, and whenever any vacancy shall happen among the trustees by death, resignation or removal out of the state, such vacancy shall be filled for the remainder of the year in such manner, as shall be provided by the by-laws of the said company: *Provided always*, that the number of trustees shall not be less than five nor more than nine, and that they shall respectively be stockholders in the said company.

How vacancies
shall be filled.

The by-laws may
direct the mode
of election in cer-
tain cases.

SEC. 3. That in case it shall at any time happen that an election be not made on the day when by law it ought to have been, the said company for that cause shall not be dissolved, but it shall and may be lawful, on any other day to hold an elec-

tion for trustees in such manner as shall be directed by the by-laws of the said company.

SEC. 4. That the capital stock of the said company shall not exceed one hundred thousand dollars, which shall be divided in shares and subscribed for in such manner as the said trustees shall direct, and it shall be lawful for the trustees to call and demand from the stockholders respectively all such sums of money by them subscribed, at such time, and in such proportion as they shall deem proper under pain of forfeiting the shares of the said stockholders of all previous payments made thereon, if any payments be not made, within sixty days after a notice requiring such payment shall have been published in such newspaper as aforesaid.

The capital stock
of said company.

Power and author-
ity of the trustees.

SEC. 5. That the trustees of said company for the time being shall have power to make and prescribe such by-laws, rules and regulations, as they shall deem proper respecting the management and disposition of the stock property and estate of such company, the duties of the officers, artificers and servants by them to be employed, the election of trustees, and all such matters as appertain to the concerns of the said company, to appoint such and so many officers, clerks and servants for carrying on the business of the said company and with such wages as to them shall seem reasonable: *Provided always*, That such by-laws be not inconsistent with the constitution and laws of this state or of the United States.

Further powers
and duty of said
trustees.

Provided

The stock of such company deemed personal estate, and transferable as the by-laws may direct.

Funds not to be used in any banking transaction.

now and in what manner such company shall be proceeded against for a violation of the provisions of this act.

SEC. 6. That the stock of such company shall be deemed personal estate and be transferable in such manner as shall be prescribed by the laws of the company and that all debts, which shall be due and owing by the company at the time of its dissolution, the persons composing such company shall be individually responsible to the extent of their respective shares of stock in the said company, and it shall not be lawful for the said company to use their funds, or any part thereof in any banking transaction or in the purchase of any stock of any bank or for the purchase of any public stock whatsoever, or for any other purpose than for the purpose of carrying on the manufacturing operations of the said company.

SEC. 7. That if the said company shall at any time violate in any manner the provisions of this act, or manage and conduct in a manner not authorised by the spirit and meaning of this act, the concerns of the said company it shall be the duty of the prosecuting attorney of the county of Floyd, on the application of any person, to exhibit to the circuit court on information against the president and trustees of the said company, in the nature of a writ quo warranto, upon which such proceedings shall be had as are had upon other information according to the rules of the common law; and if upon the trial of such information it shall be decided, that the said company have violated in any manner the provisions of this act, or conducted the concerns of the said company in a man-

ner in which they were not authorised to do thereby, this charter and all the privileges hereby given, shall be forfeited, cease and absolutely determine.

SEC. 8. This act shall take effect and be in force from and after its passage.

CHAPTER XXXI.

AN ACT for the formation of a new county out of the counties of Jackson and Delaware.

APPROVED—January 8th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That from and after the second Monday of February next, all that part of the counties of Jackson and Delaware which is contained within the following boundary shall form and constitute a new county, to be known and designated by the name and style of the county of Bartholomew, to wit: Beginning at the south west corner of section eighteen in township seven north of range four east, thence north to the northwest corner of township ten north of range four east, thence east with the line dividing townships ten and eleven north to the north east corner of township ten of range seven east, thence south with the range line dividing ranges seven and eight to the south east corner of section*

Part of Jackson & Delaware to form a new county called Bartholomew.

Boundaries.

thirteen, in township eight north of range seven east, thence west to the range line dividing ranges six and seven at the north west corner of section nineteen in township eight north of range seven east, thence south with said range line to where it intersects Big Sand creek. thence down said creek with the meanders thereof to its junction with Driftwood river, thence down said river with the meanders thereof to where an east and west line running through the centre of township seven north strikes the north west side of the aforesaid river, thence west with the said line to the place of beginning.

Right:

SEC. 2. The said new county of Bartholomew shall from and after the first day of January next, enjoy all the rights, privileges and jurisdictions, which to separate and independent counties, do, or may properly belong and appertain.

Commissioners to fix the seat of justice.

SEC. 3. That Ebenezer E. Morgan of Crawford county, James Hamilton of Jackson county, William P. Thomasson of Harrison county, Robert Robertson of Clark county and John E. Clark of Washington county, be, and they are hereby appointed commissioners agreeably to an act, entitled "an act for the fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named shall convene at the house of John Parker in said county of Bartholomew on the second Monday of February next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the

When and where to meet.

sheriff of Jackson county to notify the said commissioners either in person or by written notification of their appointment on or before the first day of February next, and the said sheriff of Jackson county shall receive from the county of Bartholomew so much as the county commissioners shall deem just and reasonable, who are hereby authorised to allow the same out of any monies in the county treasury in the same manner as all other monies are paid.

Sheriff of Jackson to give notice.

SEC. 4. The circuit courts and all other courts of the county of Bartholomew, shall meet and be holden at the house of Luke Boonsteel in the said county of Bartholomew, until suitable accommodations can be had at the seat of justice in said county, and so soon as the circuit court is satisfied that suitable accommodations can be had at the seat of justice in said county they shall adjourn the circuit court there to, after which time all the courts of the county of Bartholomew shall be holden at the county seat of Bartholomew county established by law: *Provided however*, that the circuit court shall have authority to remove the court from the house of Luke Boonsteel, to any other place in said county of Bartholomew previous to the completion of the public buildings should the said court deem it expedient.

Courts where to be held.

To be adjourned to county seat.

Proviso.

SEC. 5. The agent who shall be appointed to superintend the sales of lots at the county seat of the county of Bartholomew, or receive the donations shall reserve ten per cent out of the proceeds thereof, or of the donations made said county; and

County agent's duty.

pay the same over to such person or persons as may be appointed by law to receive the same for the use of a county library for said county of Bartholomew, which he shall pay over at such times and place as may be directed by law.

Public buildings to be erected.

SEC. 6. The board of county commissioners for the said county of Bartholomew, shall within twelve months after the seat of justice shall have been selected, proceed to erect the necessary public buildings thereon. They shall also hold a special session on the second Monday in March next, for the purpose of appointing an assessor and transacting all other county business that may be necessary.

Powers given to establish a county library.

SEC. 7. The same powers, privileges and authorities that are granted to the citizens of the several counties, named in "an act incorporating a county library in each of the counties therein named, approved January the 28th, one thousand eight hundred and eighteen, to organise, conduct and support a county library," are hereby granted to the citizens of the county of Bartholomew, and the same power and authority granted to, and the same duties required of the officers, and the person or persons elected by the citizens of said county as aforesaid for the purpose of carrying into effect the provisions of the act aforesaid according to the true intent thereof, are hereby vested in and required of the officers and other persons, so to be elected as aforesaid by the citizens of the county of Bartholomew.

SEC. 8. *Be it further enacted*, That all

that part of Delaware county lying east of Monroe county and west of the county of Bartholomew aforesaid, be and the same is hereby attached to the county of Bartholomew temporarily, for the purpose of exercising jurisdiction only, but is not to be taken into consideration by the commissioners appointed by this act to fix the seat of justice of said county in the location thereof.

Part of Delaware county lying east of Monroe county and west of Bartholomew, attached to Bartholomew county.

SEC. 9. The sheriff or collector of taxes of Jackson county is hereby authorised to collect any arrearages of taxes remaining due and unpaid to him within the bounds of the said new county of Bartholomew in the same manner as if this act had never been passed.

Duty of the sheriff or collector of Jackson county.

This act shall take effect and be in force from and after its publication in the Indiana Gazettee.

CHAPTER XXXII.

AN ACT supplementary to an act passed at the present session, for the formation of a new county out of the counties of Jackson and Delaware.

APPROVED—January 9th, 1821.

Be it enacted by the General Assembly of the state of Indiana, That the said county of Bartholomew, constituted and formed

Rights of said city.

at the present session by the act to which this is a supplement, shall from and after the second Monday of February next, have and enjoy all the rights, privileges and jurisdictions which to separate and independent counties do or may properly belong and appertain.

Civil and criminal jurisdiction of Bartholomew county.

SEC. 2. *Be it further enacted*, That the said county of Bartholomew shall have civil and criminal jurisdiction throughout the county of Delaware, and the county of Monroe shall have civil and criminal jurisdiction throughout the county of Wabash, and the grand juries of Bartholomew and Monroe counties are hereby required to act under the jurisdiction given in this section.

This act to take effect from and after its passage.

CHAPTER XXXIII.

AN ACT for the relief of James K. Scott and others.

APPROVED—January 5, 1821.

WHEREAS it is represented to this General Assembly by the petition of James K. Scott, a justice of the peace for Crawford county, that some time in May last, his house was consumed by fire, together with his docket, notes accounts and other papers belonging to sundry persons, put into his hands for collection, as a justice of the peace; and that loss

will be sustained by sundry persons without legislative aid—For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That it shall and may be lawful for all persons who had notes, accounts or judgments consumed in the house of the said James K. Scott to make oath before some justice of the peace, to the date and amount as near as can be recollected of said note or open account, on which oath being made, the justice shall enter the same on his docket, and issue a scire facias directed to a constable of the proper township, commanding him to summon the defendant or defendants to appear and shew cause if any they can shew, why judgment should not be entered up against him, her or them as the case may be, and if such defendant fails to attend and shew cause as required in said scire facias to the satisfaction of said justice of the peace, then judgment shall be entered up against such defendant as in other cases.

SEC. 2. In like manner where any person shall make oath to the satisfaction of any justice of the peace in the proper township, that he, she, or they had recovered judgment against any defendant on the docket of the said James K. Scott which judgment had been replevied and the time for which the same was replevied has not yet expired, the justice after issuing his scire facias as above, may enter up judgment for the amount, and the defendant in such case, shall be only enti-

hed to a replevin for the balance of the time they would have been entitled to, had this act never been passed.

SEC. 3. And when any plaintiff shall make oath to the satisfaction of a justice of the peace, that he she or they had recovered a judgment before the said James K. Scott, which had been replevied and the lawful time of replevin expired then and in that case judgment shall be entered up against such defendant, on which judgment, there shall be allowed a replevin of thirty days and no more, by giving security as in other cases.

SEC. 4. Any constable, witness or other person, who had fees due them on the docket of the said James K. Scott consumed as aforesaid, may make oath to the amount of the same before any justice of the peace in the proper township who shall then make out under his hand and seal a fee bill, stating the amount claimed which fee may be collected as other fee bills are.

SEC. 5. In like manner the said James K. Scott may make oath before any justice of the peace in his county to the amount of fees due him in any suit upon his docket so consumed, which justice is hereby authorized to make out and certify the amount of fees due to the said James K. Scott, which fee bills may be collected as provided for in the fourth section of this act.

SEC. 6. In every case provided for by this act officers shall be entitled to the

same fees as for similar services in other cases.

This act to take effect from and after its publication in the Indiana Gazette.

CHAPTER XXXIV.

AN ACT for the apportionment of Senators and Representatives within this state.

APPROVED—January 2, 1821.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That hereafter the county of Knox shall be entitled to two representatives, the counties of Daviess and Martin shall form one representative district and be entitled to one representative, the county of Vigo shall be entitled to one representative, the county of Sullivan shall be entitled to one representative, the counties of Green Owen and Morgan shall form one representative district and shall be entitled to one representative, the county of Jefferson shall be entitled to two representatives, the county of Jennings shall be entitled to one representative, the county of Clark shall be entitled to two representatives, the county of Floyd shall be entitled to one representative, the county of Washington shall be entitled to two representatives, the county of Jackson shall be entitled to one repre-

Contains the apportionment of representatives to each county separately and conjunctly.

representative, the county of Scott shall be entitled to one representative, the county of Orange shall be entitled to two representatives, the county of Lawrence shall be entitled to one representative, the county of Monroe shall be entitled to one representative, the county of Harrison shall be entitled to two representatives, the county of Crawford shall be entitled to one representative, the county of Posey shall be entitled to one representative, the counties of Gibson and Pike shall be entitled to one representative each, the county of Vanderburg and so much of Warrick county as is included in Boon and Anderson townships shall form one representative district and be entitled to one representative, the counties of Spencer, Perry, Dubois and so much of Warrick county as is included in Luce township, shall form one representative district and shall be entitled to one representative, the county of Randolph shall be entitled to one representative, the county of Wayne shall be entitled to three representatives, the county of Fayette shall be entitled to one representative, the county of Union shall be entitled to one representative, the county of Franklin shall be entitled to two representatives, the county of Switzerland shall be entitled to two representatives, the county of Ripley shall be entitled to one representative, the county of Dearborn shall be entitled to three representatives and the county of Bartholomew shall be entitled to one representative.

Contains the apportionment of Senators to each

SEC. 2. *And be it further enacted, That hereafter the counties of Knox, Daviess*

and Martin shall form one senatorial district and be entitled to one senator, the counties of Sullivan, Vigo, Green and Owen shall form one senatorial district, and shall be entitled to one senator, the counties of Jefferson and Jennings, shall form one senatorial district and shall be entitled to one senator, the counties of Clark and Floyd shall form one senatorial district and shall be entitled to one senator, the county of Washington shall form one senatorial district and shall be entitled to one senator, the counties of Jackson, Scott and Bartholomew shall form one senatorial district and shall be entitled to one senator, the counties of Orange, Lawrence and Monroe shall form one senatorial district and shall be entitled to one senator, the counties of Harrison and Crawford shall form one senatorial district and shall be entitled to one senator, the counties of Posey, Vanderburgh and so much of Warrick, as is included in Boon and Anderson townships, shall form one senatorial district and be entitled to one senator, and the counties of Spencer, Perry, Dubois and so much of Warrick county as is included in Luce township, shall form one senatorial district and be entitled to one senator, the counties of Gibson and Pike shall form one senatorial district and shall be entitled to one senator, the counties of Wayne and Randolph shall form one senatorial district and shall be entitled to one senator, the counties of Fayette and Union shall form one senatorial district and shall be entitled to one senator, the coun-

county and the senatorial districts designated.

M

ty of Franklin shall form one senatorial district and shall be entitled to one senator, the county of Dearborn shall form one senatorial district and shall be entitled to one senator, and the counties of Switzerland and Ripley shall form one senatorial district and shall be entitled to one senator.

This act to take effect and be in force from and after its publication.

CHAPTER XXXV.

AN ACT making appropriations for the year one thousand eight hundred and twenty-one.

APPROVED—January 8, 1821.

Appropriation for the present session of the General Assembly &c.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the sum of eight thousand five hundred dollars is hereby appropriated to defray the expenses of the present session of the General Assembly including the pay of members, clerks, door keepers, serjeant at arms stationary fuel printing binding and distributing the laws and journals and all other expenses which have been or may be incurred during the session or in carrying the laws into effect.*

For the Executive department,

SEC. 2. To defray the expenses of the executive department including outstand-

ing claims the sum of two thousand four hundred and twenty dollars.

To defray the expenses of the judiciary department including outstanding claims and allowances to the sheriff of Harrison county for attendance on the Supreme Court the sum of five thousand eight hundred dollars.

For the Judiciary department.

In discharge of militia expenditures including outstanding claims and allowances to agents of salt lick reserves the sum of five hundred dollars.

For militia claims and agents of salt lick reserves.

In discharge of the interest on the public debt the sum of one thousand eight hundred dollars.

In discharge of claims due for the enumeration of the white male inhabitants of this state the sum of six hundred dollars.

For the enumeration of the white male inhabitants.

In discharge of claims for wolf-scalps taken previous to the repeal of the act providing for the killing of wolves the sum of one hundred dollars.

For wolf-scalps.

SEC. 3. *Be it further enacted, That the Governor of this state be and he is hereby authorised to contract with the bank of Vincennes the state bank of Indiana, and negotiate for a loan for the sum of one thousand eight hundred dollars on the terms stipulated by the charter of said bank.*

The Governor authorised to contract with the state bank for a certain sum.

CHAPTER XXXVI.

AN ACT to amend an act, entitled an act to licence and regulate taverns, approved January 28th, 1820.

APPROVED—January 5th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That so much of the act to which this is an amendment as authorises the board of county commissioners at any of their meetings to licence as retailers of spirituous or strong liquors, every person who shall apply therefor, under the restrictions therein named, be and the same is hereby repealed, and the powers and authority by the said act vested in the county commissioners, shall be and the same are hereby vested in the several circuit courts of the proper county: Provided, That nothing in this act contained shall require the circuit courts to fix the tavern rates, but the same shall continue to be vested in the county commissioners.*

SEC. 2. The said circuit courts shall not grant any licence or permit to any person to vend spirituous or strong liquors in any county within this state unless such person applying therefor shall produce the certificate of twelve respectable freeholders, that the person so applying is of good moral character, and that it would be for the benefit and convenience of travellers for such person to be licenced as a

Repeal of the power vested in the commissioners to grant tavern license, and the same given to the circuit courts.

Mode of obtaining license, and restrictions thereon.

foresaid, nor unless the person so applying shall give bond with sufficient securities (to be approved of by the circuit court) as is provided in the act to which this is an amendment, which bond shall be filed in the clerk's office, and if the condition thereof be forfeited, the circuit court at their next session thereafter, on complaint made to them, are hereby authorised to suppress such licence, and it is hereby made the duty of the county treasurer to put such bond in suit.

SEC. 3. *And be it further enacted, That the said circuit courts shall not licence or permit any person to vend spirituous or strong liquors as aforesaid, unless the person applying therefor, shall in addition to the prerequisites contained in the second section of this act, prove to the satisfaction of such court, that the applicant has at least two good beds and furniture, in addition to the quantity necessary for the use of the family of the person so applying, and also a good stable well furnished with suitable stalls for at least four horses, and in all cases when any person shall hereafter obtain a licence or permit to vend spirituous or strong liquors, he shall in addition to the conditions of the bond contained in the second section of the act to which this is an amendment, be bound to keep constantly on hand the bedding and stableage above mentioned, with other accommodations necessary for the comfort and convenience of travellers.*

SEC. 4. No licence or permit granted agreeably to the provisions of this act, or

Duty of county treasurer.

Necessary qualifications, and requisites of a tavern keeper.

License not transferable.

the act to which this is an amendment, shall be transferable in any manner whatever.

Definition of the duties required of the grand jury.

SEC. 5. It shall be the duty of the grand jury in the several counties in this state to examine into, and report to the circuit courts of the proper county at their several terms, how far the provisions of this act have been complied with, and all retailers of spirituous liquors heretofore licenced under the provisions of the act to which this is an amendment, shall be subject to the provisions of this act, and it shall be the duty of the circuit courts in the several counties in this state, to give this act in charge to the grand jury.

SEC. 6. So much of the act to which this is an amendment as comes within the purview of this act shall be and the same is hereby repealed.

CHAPTER XXXVII.

AN ACT to repeal the fourth section of an act to amend an act, entitled an act to regulate marriages and for other purposes, approved January the third, one thousand eight hundred and twenty.

APPROVED—January 8th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That*

the fourth section of the act to amend an act entitled "an act to regulate marriages and for other purposes," approved January the third, one thousand eight hundred and twenty, be and the same is hereby repealed, and the fifty-ninth section of an act to reduce into one act all acts and parts of acts relative to crimes and punishment, approved January the nineteenth, one thousand eight hundred and eighteen, be and the same is hereby revived.

SEC. 2. This act to take effect and be in force from and after its publication.

The act, approved Jan. 3d, 1820, repealed, and the 59th sec. of the act, approved Jan. 19th, 1818, revived.

CHAPTER XXXVIII.

AN ACT to provide for printing and distributing the laws and journals of the present General Assembly.

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That it is hereby made the duty of the secretary of state to furnish Brandon & Co. with the acts and joint resolutions of the present General Assembly, when called for at the secretary's office; whose duty it shall be to print two thousand copies thereof, together with a list of acts and an index and marginal notes to be made out by the secretary of state, who shall receive such compensation therefor as may be deemed rea-*

Duty of the secretary of state.

Duty of the public
printer.

sonable by the Governor, to be audited and paid out of the contingent fund; and it shall be the duty of the said Brandon and Co. so soon as the printing shall have been completed to return to the office of the secretary of state the manuscript copies of the laws and joint resolutions furnished as aforesaid, and the printers shall in printing be governed by the provisions of an act passed by the last session of the General Assembly, entitled "an act to authorise the printing and distributing the acts and journals of the present General Assembly," approved January the 7th, 1820.

Further duty of
the pub. printer.

SEC. 2. The printers of the laws and journals are hereby required to print thirty two pages per week agreeably to contract.

Regulating the du-
ty of secretary, au-
ditor & treasurer.

SEC. 3. The secretary, auditor, and treasurer are hereby authorised and required in all respects to be governed according to the provisions of the above recited act, in distributing the laws and journals including Scott and Martin counties & such new counties as may be erected previous to the distribution of the laws, which said counties shall receive forty copies of the laws, and the clerk of the circuit court in each county is hereby authorised and required to furnish each person with a copy in conformity with said act.

This act to be in force from and after its passage.

CHAPTER XXXIX.

AN ACT to amend the act, entitled "an act for the appointment of Trustees to receive deeds for lots or lands given or purchased for the use of schools or meeting houses," approved January 1st, 1820.

APPROVED—January 8th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That from and after the passage of this act, all the rights, benefits, privileges and immunities which are by the act to which this is an amendment, given, granted and extended to congregations and religious societies, are hereby given, granted and extended to the Grand Lodge of Indiana, and to the Lodges which now are, or hereafter may be subordinate to said Grand Lodge.*

Certain privileges
granted the Grand
Lodge of Indiana
and her subordi-
nates.

SEC. 2. *The said Grand Lodge of Indiana, by the name and style of the Grand Master, Deputy Grand Master and Wardens of the Grand Lodge of Indiana, and the Lodges which now are, or hereafter may be, subordinate to the said Grand Lodge, by the name and style of the Master and Wardens of Lodge No. taking to themselves such name and number as have been, or may be assigned them by the said Grand Lodge of Indiana; shall be able and capable in law to purchase, have hold, receive, enjoy and retain to*

Further powers &
privileges given to
Lodges.

themselves in perpetuity or for any term of years, any lands, tenements or hereditaments of what kind or nature soever, not exceeding in real estate one acre of ground together with the improvements thereon, and of personal estate not exceeding the sum of five thousand dollars; and to sell aliene or lease the same, as they or each of them, may think proper.

Same powers to
the Royal Arch
Chapters.

SEC. 3. The same powers, rights, privileges and immunities, which are by this act, conferred on, and extended to, the said subordinate Lodges, and hereby extended to and conferred on each, and every chapter of Royal Arch Masons now established in this state; or which may hereafter be established according to the principles of Royal Arch Masonry.

CHAPTER XL.

AN ACT giving further powers to the board of county commissioners of the county of Dearborn and other counties therein named.

APPROVED—January 5th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the board of county commissioners, in and for the counties of Dearborn, Clark, Knox, Daviess, Sullivan, Vigo and Jefferson, are*

hereby empowered to sit four days at each of their sessions now authorised by law, if the business before them require it, and shall allow their clerk such additional compensation for extra services as they may think just and reasonable.

This act to take effect and be in force from and after its publication.

Further powers
given to the county
commissioners
of Dearborn and
other counties.

CHAPTER XLI.

AN ACT to provide for the appointment of justices of the peace at Indianapolis.

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the governor be and he is hereby authorised to appoint and commission two or more persons to act as justices of the peace at Indianapolis, who shall continue in office until the county of Delaware shall be organized and justices of the peace shall be elected and qualified.*

The governor authorised to appoint
two or more justices of the peace
at Indianapolis.

SEC. 2. The justices of the peace appointed and commissioned as above shall possess all the powers that by the laws of this state are given to justices of the peace in their respective counties; and shall in all things be governed by the laws of this state regulating the duties and jurisdiction of justices of the peace.

SEC. 3. The jurisdiction of the justices of the peace as above, shall extend through

out the tract of country known by the name of the county of Delaware, and all appeals taken from their or either of their decisions, shall be to the circuit court of the county of Bartholomew.

This act to be in force from and after its passage.

CHAPTER XLII.

AN ACT to authorise the trustees of the state seminary to loan the money in their possession on interest.

APPROVED—January 9th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the trustees or agent of the state seminary be and they are hereby authorised to lend on interest the money that now is in their possession, belonging to said institution, taking good landed security for the payment of the same at the end of one year or as soon thereafter as they may demand or require the same to be made.*

SEC. 2. *If no person or persons will take such money on interest and secure the payment as aforesaid by mortgage on real estate, then it shall be the duty of the trustees as aforesaid, to deposit the money in their possession as aforesaid in the state treasury, taking the treasurer's receipt for the same.*

The trustees authorized to loan money under restriction.

Further duty of the trustees.

CHAPTER XLIII.

AN ACT relative to the office of Secretary of State.

APPROVED—January 8th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the secretary of state be allowed the sum of one dollar, for each and every pardon of any offence granted by the Governor to persons convicted of any crime or misdemeanor, by any court within this state and the like sum for each and every remittance of stripes, lashes, fine, imprisonment, or any other punishment whatever so granted as aforesaid for his services in and about the granting and issuing of the said pardons and remissions to be paid by the person receiving the benefit of said pardon or remissions, and the said Secretary shall not be compelled to issue such pardon or remission till the said sum of one dollar be paid or tendered to him.*

Allowance to the Secretary of State for extra services.

SEC. 2. *That whenever the secretary of state shall by reason of sickness, necessary absence or inability be prevented from discharging the duties of his office his deputy or deputies lawfully appointed under his hand and seal shall be and are hereby authorised and empowered to execute all the duties which the said secretary of state could have lawfully executed in person till such disability be removed.*

The secretary may appoint a deputy in certain cases.

SEC. 3. *That it shall be the duty of the said secretary by himself or his deputy*

Hours of attendance at the secretary's office.

ty in cases of the disability of the secretary to attend at his office each and every day in the year (Sundays excepted) between and during the hours of ten and twelve o'clock.

CHAPTER XLIV.

AN ACT to provide for the erection of a house for the employment of the poor of Knox county.

APPROVED—January 9th, 1821.

Erection of a poor house authorised.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That a house for the employment and support of the poor shall be erected in the county of Knox, in the manner and under the condition hereinafter prescribed and enacted.*

Three directors thereof to be elected on the first Monday in August.

SEC. 2. That the citizens of Knox county at the next general election for electing members for the house of representatives shall elect three reputable citizens of the said county to be directors of the poor, and of the house of employment for the county of Knox; and the judge and inspectors of elections in their several townships in the said county after receiving the votes shall certify the same in the same manner as is required by law regulating the elections of this state and return the same accordingly and after casting up the votes, the clerk of the circuit court shall file the certi-

ficate in his office, and forthwith give notice in writing to the directors of their being elected and the said directors shall meet at the court house in the borough of Vincennes on the first Monday in September next ensuing their election and divide themselves into three classes; the place of the first to be vacated at the expiration of the first year of the second at the expiration of the second year and of the third at the expiration of the third year so that those who shall be chosen after the first election and in the mode above described, manner may serve for three years and one third be annually elected.

When they shall meet.

SEC. 3. That every elector elected in manner aforesaid shall within ten days after his appointment and before he enters upon the duties of his office, take an oath or affirmation according to law which any justice of the peace of the said county is hereby authorised to administer that he will discharge the office of director of the poor truly faithfully and impartially to the best of his knowledge and ability and in case of neglect or refusal to take the necessary oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of thirty dollars for the use of the poor of said county: *Provided always,* that no person shall be elected a director of the poor for the said county who is not a citizen thereof.

They shall take an oath of office.

Qualifications of said directors.

SEC. 4. *And be it further enacted by the authority aforesaid, That the said directors respectively shall forever hereafter in name and in fact be one body politic*

Created a body politic and corporate.

and corporate in law to all intents and purposes whatsoever relating to the poor of the said county of Knox and shall have perpetual succession and may sue and be sued plead and be impleaded by the name style and title of "the directors of the poor and of the house of employment for the county of Knox and by that name shall and may respectively receive take and hold any lands tenements and hereditaments not exceeding the yearly value of five thousand dollars, and any goods and chattles whatsoever of the gift alienation or bequest of any person or persons whomsoever to purchase take and hold any lands and tenements in their county in fee simple or otherwise and erect suitable buildings thereon for the reception use and accommodation of the poor of their several townships to provide all things necessary for the reception lodging maintenance and employment of the said poor; to appoint a treasurer annually, who shall give bond with sufficient security for the faithful discharge of the duties of his office and at the expiration thereof he will well and truly pay, and deliver over to his successor all monies bonds notes books accounts and other papers to the said corporation belonging which shall be remaining in his hands custody and possession; to employ and at pleasure remove a steward or stewards, matron or matrons, physicians surgeon or surgeons and all other necessary attendant for the said poor respectively to bind out as apprentices to any art mystery or occupation so that such apprenticeship may expire if males at or before the age of

May hold real estate and erect public buildings.

May appoint a treasurer and employ agents therefor.

May bind out poor children.

twenty-one years, if females at or before the age of eighteen years such poor children as shall come under their notice or as may be bound apprentices by the overseer of the poor and to exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied, and the said directors respectively shall be empowered to use one common seal in all business relating to the said corporation and the same at their pleasure to alter or renew.

SEC. 5. That the said directors as soon as may be after their election and organization as aforesaid shall make an estimate of the probable expense of purchasing the land erecting the necessary buildings within their county for one year whereupon the commissioners of the county shall and they are hereby authorized and required to increase the county tax by one fourth part of the sum necessary for the purposes aforesaid and may procure on loan on a credit of the taxes herein directed to be levied the remaining three fourths thereof to be paid in instalments with interest out of the county taxes; *Provided always*, That if such loan cannot be made the whole of the sum necessary for the purposes aforesaid or such part thereof as may be deemed proper shall immediately be added to the county tax to be paid by the county treasurer to the directors aforesaid on orders drawn in their favor by the county commissioners as the same may be found necessary.

Taxes of the county may be increased one fourth part.

County Commissioners may loan money for erecting suitable buildings.

SEC. 6. That the said directors shall

Directors annually accountable to the county commissioners.

And report the condition state and situation of the poor to the circuit court and grand jury.

Daniel M'Clure and others to select and report a suitable site for the erection of the buildings.

at least once in every year render an account of all monies by them received and expended to the county commissioners subject to the same penalties rules and regulations as are by law directed respecting the account of the overseers of the poor and shall also at least once in every year lay before the circuit court and grand jury of Knox county a list of the number ages and sex of the persons maintained and employed in the said house of employment respectively and of the children by them bound out to apprenticeship to serve as aforesaid with the names of their masters and mistresses and their trade occupation or calling and shall at all times when required submit to the inspection and free examination of such visitors as shall from time to time be appointed by said circuit court, all their books accounts and economy with the rents interest and monies payable and receivable by the said corporation and also an account of all sales purchases donations devises and bequests as shall have been made by or to them.

SEC. 7. That Daniel M'Clure Thomas Emison James Watson Samuel Chambers Henry Ruble William Gamble Thomas Jordan and Abraham Kirkendall of the said county of Knox be and they are hereby authorized empowered and directed to receive and hear such applications as shall be directed to them respecting the place which may be deemed most proper for erecting the buildings for the employment and support of the poor as aforesaid within their county and shall on or before the first day of August next de-

termine upon and fix the place within the said county of Knox in which the said building shall be erected and shall certify their proceedings under their hands to the clerk of the circuit court of the said county to be filed in his office.

SEC. 8. That as soon as the said respective buildings shall be erected and all necessary accommodations provided therein notices shall be sent signed by any two of the said directors of the said county of Knox to the overseer of the several townships of the said county of Knox requiring them forthwith to bring the poor of their respective townships to the said house of employment which order the said overseers are hereby enjoined and required to comply with otherwise to forfeit the costs of all future maintenance except in cases when by sickness or other sufficient cause any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace who being satisfied of the truth thereof shall certify the same to the said directors and at the same time issue an order under his hand to the said overseers directing them to maintain such poor until such times as he or she shall be in a situation to be removed then to convey said pauper and deliver him or her to the steward or keeper of the said house of employment together with the said order, and the charge and expense of such temporary relief and of such removal shall be paid by the said directors at a reasonable allowance.

When the public buildings shall have been completed the poor of said county of Knox may be removed thereto by the overseers of the respective townships.

SEC. 9. That the said directors res-

What persons shall be entitled to the benefit of this act.

Further duties enjoined on the directors.

Two directors may form a quorum and make by-laws which shall be submitted to the circuit court for their approval.

pectively shall from time to time provide for and employ according to the true intent and meaning of this act all such poor and indigent persons as shall be entitled to relief or shall have gained a legal settlement in the said county of Knox, and shall be sent there by an order or warrant for that purpose under the hand and seal of any two justices of the peace directed to any constable of the said county of Knox or to the overseers of the proper township in any other county of this state and to the said directors of the poor and of the house of employment of the said county of Knox and the said directors respectively are hereby authorized when they shall deem it proper and convenient so to do to permit any poor person or persons to be maintained elsewhere and if the pauper be married and the person to whom he or she is married is not supported at the county expense it shall be the duty of the said directors to place the said pauper with the person to whom he or she is married if required: *Provided*, The expense of such maintenance doth not exceed that of the house of employment.

SEC. 10. That the said directors or any two of them shall do business within their respective counties and shall have full power to make and ordain all such ordinances rules and regulations as they shall think proper convenient and necessary for the direction government and support of the house of employment aforesaid and of the revenue thereunto belonging and of all such persons as shall come under their care or cognisance: *Provided*, the same be not

repugnant to this law or any other of the laws of this state, or of the United States, *And provided also*, that the same shall not have any force or effect until they shall have been submitted to the president and associate judges of the circuit court for the time being for the district within which the said county of Knox shall be and shall have received the approbation of said court.

SEC. 11. That one of the said directors shall and he is hereby enjoined and required to attend at the said house of employment at least once in every month and visit the apartments and see that the poor are comfortably supported and hear all complaints and redress or cause to be redressed all grievances which may happen by the neglect or misconduct of their servants or others in their employment or otherwise.

SEC. 12. That the said directors shall each of them receive for their services ten dollars per annum to defray the expense of their necessary attendance on the duties of their office.

SEC. 13. That in case any vacancy or vacancies by death resignation removal neglect refusal or otherwise of any of the said directors, the remaining director or directors shall fill such vacancy or vacancies by appointment of one or two citizens of said county as the case may require to serve until the next general election when other director or directors shall be elected to serve for the period or periods which

When said establishment shall be visited by one of the directors.

Directors compensation.

Vacancies how filled.

such director or directors were to have served if no such vacancy or vacancies had happened.

SEC. 14. That all monies which shall be remaining in the hand of the overseers of the poor of the said county of Knox at the time when the first county poor tax shall be assessed levied and collected shall be paid over by the said overseers of the poor to the directors of the poor-house to be applied by them towards the support of the poor.

Monies in the hands of the overseers of the poor shall be paid over to the directors.

SEC. 15. That as soon as the poor of the said county of Knox shall be removed to the poor-house of employment of the said county the office of overseer of the poor within the said county shall from thenceforth be abolished.

When the office of the overseers of the poor shall be vacated.

SEC. 16. That for the services of the clerk of the circuit court of the said county of Knox by this act he shall be entitled to exhibit his accounts to the county commissioners of the said county who shall examine and allow the same as in like services and draw on the county treasurer for the amount thereof.

Compensation to clerk of the circuit court.

SEC. 17. That so much of the laws of this state relating to the poor of Knox county as is by this act altered or supplied and no more be and the same is hereby repealed.

CHAPTER XLV.

AN ACT for the relief of Henry Ayres.

APPROVED—January 9th, 1821.

Be it enacted by the General Assembly of the state of Indiana, That Henry Ayres of Gibson county be and he is hereby released from the payment of two years rent of the place which he leased in the seminary township in Gibson county and that Jesse Emmerson superintendent of the seminary township in Gibson county be and he is hereby authorised and required to settle with the said Henry Ayres agreeably to the provisions of this act.

Release to Henry Ayres of two years.

This act to take effect and be in force from and after its passage.

CHAPTER XLVI.

AN ACT attaching part of the county of Clark to the county of Floyd.

APPROVED—January 9th, 1821.

Be it enacted by the General Assembly of the state of Indiana, That all that part of the county of Clark lying south and west of the lines dividing Harrison and Floyd counties be and the same is hereby attached to the said county of Floyd, any law heretofore in force to the contrary notwithstanding.

A part of the city of Clark attached to the county of Floyd.

This act to be in force from and after its passage.

CHAPTER XLVII.

AN ACT for the relief of Thomas McCartney, David Harman and Peter Weaver.

APPROVED—January 8th, 1821.

Preamble.

WHEREAS it is represented to the General Assembly that the aforesaid Thomas McCartney, David Harman and Peter Weaver have suffered and are still likely to suffer in consequence of their having entered as sureties for John Turner, late sheriff of the county of Wayne—For remedy whereof,

Further time allowed the sureties of John Turner late sheriff of Wayne county to pay monies.

Be it enacted by the General Assembly of the state of Indiana, That a further time be allowed to the aforesaid sureties of John Turner late sheriff of Wayne county to pay the balance due (it being one hundred and sixty dollars) from them as sureties as follows, viz: For eighty dollars the term of eighteen months and the remaining eighty until January the first eighteen hundred and twenty four.

SEC. 2. The clerk of the circuit court and the sheriff of the county of Wayne are required to govern themselves in issuing process and executing the same by the provisions of this act.

This act to take effect and be in force from and after its passage.

CHAPTER XLVIII.

AN ACT for the benefit of the surviving heir of John Smith deceased.

APPROVED—January 5th, 1821.

Be it enacted by the General Assembly of the state of Indiana That the associate judges of the county of Jefferson, be and they are hereby authorised to permit John Burns, sole executor of the estate of John Smith deceased, to make sale of one hundred and sixty acres of land belonging to the estate of the said John Smith deceased lying and being in the township of Lancaster and county of Jefferson aforesaid, if the said associate judges shall deem it proper so to do, and the monies arising from the sale of the said land shall be appropriated to the support and education of the infant heir of the said John Smith deceased.

The executor of John Smith permitted to sell 160 acres of land under the direction of the associate judges.

This act to be in force from and after its passage.

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CHAPTER XLIX.

AN ACT for the formation of a new county out of the counties of Sullivan and Daviess.

APPROVED—January 5th, 1821.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That from and after the first Monday in February next, all that part of the counties of Sullivan and Daviess contained in the following bounds, shall form and constitute a separate county, viz: Beginning at the north east corner of township eight north of range three west of the second principal meridian; thence south to the south east corner of township six north of range three west; thence west to the south west corner of township six north of range seven west; thence north to the north west corner of township eight north of range seven west; thence east to and with the south boundary of Owen county to the place of beginning.

SEC. 2. The said new county shall be known and designated by the name of the county of Green, and shall enjoy all the rights, privileges and jurisdictions which to separate and independent counties do or may properly appertain and belong.

SEC. 3. Amos Rogers of Daviess county, Abraham Markle, junior, of Vigo county, Abraham Case of Knox county,

Part of the counties of Sullivan & Daviess shall form a new county.

Boundaries thereof.

Green name thereof.

William White of Sullivan county, and Charles Polke of Knox county, are hereby appointed commissioners, agreeably to the act, entitled "an act for fixing the seat of justice in all new counties hereafter to be laid off," approved January 2d, 1818, and the act, entitled "an act supplemental to an act, entitled an act for fixing the seats of justice in all new counties hereafter to be laid off," approved January 29th, 1818. The commissioners above named shall convene at the house of Thomas Bradford, in the said county of Green, on the first Monday of March next; and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Knox county to notify the said commissioners either in person or by written notification, of their appointments, on or before the first day of February next; and the said sheriff of Knox county shall receive from the said county of Green, so much as the county commissioners shall deem just and reasonable; who are hereby authorised to allow the same out of any monies in the county treasury, in the same manner other claims are paid.

Commissioners appointed for fixing the seat of justice.

When and where they shall meet.

SEC. 4. The circuit court and all other courts of the county of Green, shall meet and be holden at the house of Thomas Bradford in the said county of Green, until suitable accommodations can be had at the seat of justice hereafter to be selected according to law; and so soon as the courts of said county are satisfied that suitable accommodations can be had at the county

Circuit and other courts where holden.

seat, they shall adjourn their courts there-to; after which time all the courts for the county of Green shall be holden at the county seat of Green, to be established as directed by law: *Provided however*, That the circuit court shall have power, and are hereby authorised to remove the courts of said county from the house of Thomas Bradford to any other place, previous to the public buildings being completed, should the circuit court see proper so to do.

SEC. 5. The agent who shall be appointed to superintend the sales of lots of the county seat of the county of Green, shall reserve ten per cent out of the proceeds thereof, and also ten per cent out of all donations made the county, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of a library for said county of Green, which he shall pay over at such time or times and place, as may be directed by law.

Ten per cent to be reserved to be appropriated towards a county library.

SEC. 6. The board of county commissioners of said county of Green, shall within twelve months after the permanent seat of justice shall have been selected, proceed to erect the necessary public buildings thereon.

When commissioners shall erect public buildings.

SEC. 7. The same powers, privileges and authorities that are granted to the qualified voters of the county of Dubois and others named in the act, entitled "an act incorporating a county library in the counties therein named," approved January

How county library shall be formed.

28th, 1818, to organize, conduct and support a county library, are hereby granted to the qualified voters of the county of Green; and the same power and authority therein granted to, and the same duties therein required of the several officers and the person or persons elected by the qualified voters of Dubois county and other counties in the said act named, for carrying into effect the provisions of the act, entitled "an act incorporating a county library in the county of Dubois and other counties therein named, according to the true intent and meaning thereof, are hereby extended to and required of the officers and other persons elected by the qualified voters of the county of Green.

SEC. 8. The act, entitled "an act fixing the permanent northern boundary line of Daviess county," is hereby repealed.

This act to take effect and be in force from and after its publication in the Western Sun.

CHAPTER L.

AN ACT extending the boundaries of Randolph county.

APPROVED—December 23d, 1820.

Be it enacted by the General Assembly of the state of Indiana. That all that part of the new purchase lately acquired from the Indians contained in the following

Extension of the
boundaries of Ran-
dolph county.

boundaries, to wit: Beginning at the south west corner of Randolph county, thence west four miles, thence due north until it strikes the northern boundary of Indiana, shall from henceforth form and constitute a part of the county of Randolph in as full and complete a manner as though it had been attached to and formed a part of said county at the time of its formation.

This act shall be in force from and after its publication.

CHAPTER LI.

AN ACT for the relief of James Thompson, Jesse W. Knighten and David Downs.

APPROVED—January 5th, 1821.

The trustees of the
state seminary au-
thorised to pay
James Thompson
et alias, such sum
as they may deem
reasonable for cer-
tain improvements
made by them.

Be it enacted by the General Assembly of the state of Indiana, That the trustees of the state seminary, be and they are hereby authorized and empowered to pay James Thompson, Jesse W. Knighten and David Downs severally, such sum or sums of money as the said trustees may deem just and reasonable, out of any monies arising from the sales of lots, at the seat of said seminary, as a compensation for certain improvements made by the above named individuals, on a section of land on which the site for the state seminary is located: Provided ne-

Proviso.

vertheless, that the trustees aforesaid are not authorized in ascertaining the compensation aforesaid, to take into consideration any other than the benefits that were granted by an existing law to the respective individuals aforesaid, so as to allow them an equitable indemnity for the damage that they have sustained by the location of the seminary on their improvements.

This act to take effect from and after its passage.

CHAPTER LII.

AN ACT divorcing Ephraim Duks junr. from his wife Martha Duks.

APPROVED—December 18th, 1820.

Be it enacted by the General Assembly of the state of Indiana, That the band of matrimony heretofore solemnized between Ephraim Duks junr. of Monroe county in this state and Martha Duks, late Martha Sweney, be and the same is hereby dissolved, and the said Ephraim Duks junr. be and he is hereby free from any obligations in consequence of the afore said marriage contract in all respects as if the same had never been entered into.

Dissolution of the
bonds of matrimo-
ny.

This act shall be in force from and after its passage.

CHAPTER LIII.

*AN ACT for the relief of George White
upon the subject of a ferry.*

NOT APPROVED.

Preamble.

WHEREAS George White of Jeffersonville in the county of Clark and state of Indiana has for satisfactory reasons, set forth in his petition to this General Assembly, prayed that an act might be passed to confirm him in the right to a certain ferry, which he purchased of Samuel Merriwether and so to alter or extend said privilege, as to authorize him to ferry from any portion of the public ground in said town lying along and bordering on the Ohio river to the opposite shore or bank on the Kentucky side or to the mouth of Bear Grass creek; and as it appears reasonable and just that the prayer of the said White should be granted, and that the granting of the same will be of public advantage and utility; therefore,

Ferry granted to George White in the town of Jeffersonville.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the said George White be and he is hereby and hereafter authorized to keep a ferry in said town of Jeffersonville and to ferry off and from any portion of the public ground or commons in said town lying along or bordering upon the Ohio river across said river to the opposite shore or to the mouth of Bear Grass creek: Provided,*

Restrictions thereon.

the said White shall within six months, after the publication of this act, execute and give a bond, with one or more good and sufficient freeholders of said Clark county as security, in the sum of five hundred dollars payable to the commissioners of said Clark county, or their successors in office, conditioned that the said White shall keep or cause to be kept the ferry hereby established agreeably to law, which bond may be given or delivered to the board of commissioners when sitting, or in vacation filed with the clerk. And it is furthermore provided that nothing in this act shall be so construed as to authorize the said White to ferry from any portion of the public ground in said town which borders upon the Ohio river and lies immediately in front of any lot or lots owned at this time by any person or persons lawfully entitled to keep a ferry or ferries in said town.

Further provisions.

SEC. 2. *And be it further enacted, That the said White or any person or persons owning or keeping said ferry hereby established, shall be entitled to ask, demand and receive, such reasonable rate or rates of ferriage as now are or hereafter may be fixed by law and shall likewise be subject to such fines and penalties, rules and restrictions as now are or shall be prescribed by law, for the good government and regulation of ferries established over the Ohio river, in order to prevent any impositions or unnecessary delays: Provided however, That the said George White*

Rates of ferriage how established and rules and regulations of said ferry defined.

Proviso.

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shall not hold or enjoy any other or greater privileges than are now held and enjoyed by other persons in the town of Jeffersonville, who have ferries established according to law : *And provided also*, That the county commissioners of said county of Clark may vacate, set aside and make void the said ferry hereby established for or on account of the same not being kept up and attended to according to the provisions of the act entitled an act regulating ferries and an act supplemental thereto or for any of the causes which would authorize said commissioners to vacate any ferry established, in pursuance of the aforesaid recited acts.

Former bond given by Merriwether made void.

SEC. 3. And so soon as this act shall have taken effect, and the bond required in the first section shall have been given in the manner provided for, the bond which was given by Samuel Merriwether to keep his ferry agreeably to law, shall be considered as void and the said Merriwether and his security shall no longer be liable, or holden on account of said bond.

CHAPTER LIV.

AN ACT establishing the permanent seat of justice for the county of Wayne and for other purposes.

APPROVED—December 26, 1820.

WHEREAS doubts have arisen relative to the sufficiency of an act of the General Assembly of the state of Indiana approved December the 21st 1816 entitled an act to remove the seat of justice from the town of Salisbury in the county of Wayne to the town of Centreville in said county, for remedy whereof:

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the seat of justice in and for the said county of Wayne be and the same is hereby declared to be permanently established on the public square in the town of Centreville in the said county of Wayne agreeably to the provisions of the above recited act. All laws and parts of laws heretofore in force, contravening the provisions of this act be and the same are hereby repealed.

The seat of justice for the county of Wayne permanently established at the town of Centreville.

SEC. 2. So much of the before recited act as authorizes the persons doing county business in said county to dispose of the public buildings in the said town of Salisbury is hereby repealed; and John Sutherland, Thomas McCartney and David Harman are hereby appointed trustees to

Persons owning Salisbury to dispose of the same.

dispose of the public buildings and all the public property in said town for the benefit of the owners of real property therein; and they are hereby authorized to dispose of the same, in such manner as they shall judge will be most advantageous for such owners.

This act to take effect and be in force from and after its publication in the Indiana Gazette.

CHAPTER LV.

AN ACT to repeal an act entitled "an act vacating part of the town of Lanesville approved the eighteenth January eighteen hundred and twenty."

APPROVED—January 9th, 1821.

Whereas it is represented to this General Assembly by the petition of sundry persons owning property in the town of Lanesville that inconvenience and loss of property is sustained by reason of part of said town being vacated for remedy whereof:

Be it enacted by the General Assembly of the state of Indiana, That the above recited act vacating part of said town of Lanesville be and the same is hereby repealed.

Repeal of the act vacating part of the town of Lanesville.

This act to take effect and be in force from and after its publication.

CHAPTER LVI.

AN ACT divorcing Margaret McGee, late Margaret Thompson, from her husband Crawford McGee.

APPROVED—January 8th, 1821.

Be it enacted by the General Assembly of the state of Indiana, That the bands of matrimony, heretofore solemnized between Margaret McGee, late Margaret Thompson, of the county of Harrison, in this state, and Crawford McGee, be and the same are hereby dissolved, and the said Margaret McGee, late Margaret Thompson, be and she is hereby free from any obligation in consequence of the aforesaid marriage contract, in all respects, as if the same had never been entered into.

Dissolution of the marriage contract.

This act to take effect and be in force from and after its passage.

CHAPTER LVII.

AN ACT authorising the associate judges of Martin county to appoint a clerk in vacation.

APPROVED—December 9th, 1820.

Whereas there is no law authorising the

Judges of the circuit court to appoint a clerk unless in term time, and whereas, from the death of the clerk of the circuit court of Martin county, much injury and inconvenience must result from the want of that office being filled—Therefore,

Be it enacted by the General Assembly of the state of Indiana, That the associate judges of Martin county be, and they are hereby authorised and empowered to meet at the usual place of holding court in said county of Martin on the tenth day of December eighteen hundred and twenty, or some subsequent day, and appoint a clerk pro tem, who shall be authorised to receive the books, papers, records and all other papers belonging to said office, upon his taking the oath of office and giving the necessary bond and security.

This act to take effect and be in force from and after its passage.

Power and authority given to the associate judges to appoint a clerk in vacation.

CHAPTER LVIII.

AN ACT for the formation of a new county out of the counties of Franklin, Wayne and Fayette and to enlarge the county of Wayne.

APPROVED—January 5th, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That

from and after the first day of February next, all that tract or parcel of country which is enclosed within the following boundaries, shall constitute and form a new county to be known and designated by the name and stile of the county of Union, to-wit: Beginning at the south west corner of section twenty-four in township thirteen range thirteen east second principal meridian, thence east to the south east corner of section one town ten range one west of the first principal meridian, it being the line dividing the state of Ohio from this state; thence north twelve miles to the north east corner of section twelve in town twelve range one west of the first principal meridian; thence west twelve miles to the north west corner of section twenty-five in town fifteen range thirteen east second principal meridian; thence south twelve miles to the place of beginning.

A new county created and styled the county of Union.

Its boundaries.

SEC. 2. The said new county of Union shall from and after the first day of February next, enjoy all the rights privileges and jurisdiction which to separate and independent counties do and may properly belong and appertain.

The rights and privileges belonging to new counties secured.

SEC. 3. That Solomon Manwarring, William Major and William Percill of the county of Dearborn, Joseph Bently of the county of Ripley and John Gilliland of the county of Switzerland are hereby appointed commissioners, agreeable to the act, entitled an act for the fixing the seats of justice in all new counties hereafter to be laid off. The commissioners above named shall convene at the house of Frederick Youse in the said county of Union on the

Commissioners appointed; when and where they shall meet.

third Monday of February next and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Franklin county to notify the said commissioners either in person or by written notification of their appointment on or before the first day of February next, and the said sheriff of Franklin county shall receive from the said county of Union so much as the county commissioners shall deem just and reasonable, who are hereby authorized to allow the same out of any monies in the county treasury in the same manner other monies are paid.

SEC. 4. The circuit courts of the county of Union shall meet and be holden at the house of Simon Yandes in said county of Union until suitable accommodations can be had at the seat of justice, and so soon as the courts of said county are satisfied that suitable accommodations can be had at the county seat, they shall adjourn their courts thereto, after which time the courts of the county of Union shall be holden at the county seat of Union county, established by law: *Provided however*, that the circuit court shall have authority to remove the court from the house of Simon Yandes to any other place in said county previous to the public buildings being completed should the said court deem it expedient.

SEC. 5. The agent who shall be appointed to superintend the sales of lots at the county seat of the county of Union or receive donations, shall reserve ten per cent out of the proceeds thereof, and pay

The sheriff of Franklin county shall notify the commissioners.

Allowance to the sheriff.

When and where the courts shall be held until suitable accommodations shall be provided.

Proviso.

Ten per centum reserved for the use of a county library.

the same over to such person or persons as may be appointed by law to receive the same for the use of a county library for said county of Union, which he shall pay over at such time or times and place as may be directed by law.

SEC. 6. The board of county commissioners of the said county of Union shall within twelve months after the permanent seat of justice shall have been selected proceed to erect the necessary public buildings thereon.

SEC. 7. The same powers privileges and authorities that are granted to the qualified voters of the county of Dubois and others named in the act, entitled "an act incorporating a county library in the counties therein named," approved January 28th, 1818, to organize conduct and support a county library are hereby granted to the qualified voters of the county of Union, and the same power and authority therein granted to, and the same duties therein required of the several officers and person or persons elected by the qualified voters of Dubois county and other counties in the said act named, for carrying into effect the provisions of an act, entitled "an act incorporating a county library in the county of Dubois and other counties therein named according to the true intent and meaning thereof are hereby extended to and required of the officers and other persons elected by the qualified voters of the county of Union.

SEC. 8. That all that part of the new purchase lying east of a due north line commencing on the north line of Fayette

Duty of county commissioners.

Same powers granted as secured to other new counties.

A part of the new
purchase attached
to the county of
Wayne.

county, one mile west of the north west
corner of fractional section 4 town 15 range
12 east of the second principal meridian
and running north until it intersects the
line dividing Randolph and Wayne coun-
ties, be and the same is hereby attached
to and form a part of Wayne county.

This act to be in force from and after its
publication in the Indiana Gazette.

JOINT RESOLUTIONS.

CHAPTER LIX.

*A JOINT RESOLUTION of the General Assem-
bly of the state of Indiana, fixing a place for the
Electors of President and Vice President of the
United States, to meet and vote for the same.*

APPROVED—December 6th, 1820.

*Resolved by the General Assembly of the state of
Indiana, That the Electors elected by the legislature
of this state, to vote for President and Vice President
of the United States, shall meet at the office of the
secretary of state in the town of Corydon, for the pur-
pose of giving their votes according to law.*

CHAPTER LX.

*A JOINT RESOLUTION providing for the elec-
tion of Electors of President and Vice President of
the United States.*

APPROVED—November 28th, 1820.

*Resolved by the General Assembly of the state of
Indiana, That there shall be elected by a joint ballot
of both houses of the General Assembly, on the 30th*

instant, at two o'clock P. M. in the representative chamber, three Electors to vote for President and Vice President of the United States; the election to be conducted in the same manner, and under the same rules and regulations, that are provided by law for electing senators in Congress.

CHAPTER LXI.

A JOINT RESOLUTION adjourning the Harrison circuit court.

APPROVED—November 28th, 1820.

Resolved, That the circuit court now holding for the county of Harrison be authorised to adjourn from the court house of said county to the house of Henry Rice, on Lot No. 56. adjoining the public square in Corydon; and that all process, recognizances &c. returnable at the court house in Corydon at the present term, be made at the said house, and the same proceedings be had thereon as if they had been made at the court house; and that the said circuit court be authorised to adjourn the said court until court in course, in the same manner as if this resolution had never been passed.

CHAPTER LXII.

A JOINT RESOLUTION relative to Banks.

APPROVED—January 9th, 1821.

Resolved by the General Assembly of the state of Indiana, That the governor be and he is hereby reques-

ted to examine personally the situation of the several banks and branch banks of this state, and obtain information on the following points, to wit: the amount of capital owned by each, distinguishing the amount in specie as well as the amount and description of bank notes, the amount of deposits distinguishing whether in specie or bank notes as also the description of such notes, the amount of paper in circulation, and where issued, and also the debts owing by each, the amount of debts owing to each bank, distinguishing the amount owing by directors respectively, and the amount owing by other individuals; who are directors and at what time they were such, and whether any director or directors have had at any time an accommodation from such bank beyond the sum authorised by their respective charters, and also, if any, of said bank directors remain in office as such after overdrawing, to ascertain the cause of the disagreement in the report of the Vincennes bank, the state bank of Indiana, and the report of the Brookville branch bank, which is as follows, viz:

The amount charged to the Brookville branch by the Vincennes bank is	891,697 80
The amount credited to the Vincennes bank by the Brookville branch is	85,591 90
Making a difference in the two reports of	6,105 40

And also whether the excess charged to the Brookville branch bank has not been emitted in paper on the said branch at the Vincennes bank without the knowledge and consent of the directors of the said branch; and whether the president or cashier of said branch bank have been notified of such omission; and whether the same in whole or in part has not been credited to said branch bank on the books of the Steam Mill Company, or exchanged with the said Company in whole or in part for their paper, and whether the same is not included in the report of the Brookville Branch bank in the items of Foreign bank paper on hand or deposited in

other banks; and also whether the Vincennes bank has not emitted and put into circulation paper on her other branches and placed the same to the credit of such branch or branches on the books of the Steam Mill Company, or otherwise emitted and put into circulation paper payable at her branches without the knowledge and consent of the directors of her several branches.

CHAPTER LXIII.

A JOINT RESOLUTION providing for an interchange of statute laws with the several states of the Union.

APPROVED—January 2, 1821.

Whereas it is desirable to have an interchange of statute laws with the several states of the Union, therefore:

Be it resolved by the General Assembly of the state of Indiana, That a copy of the statute laws of this state, be transmitted by the secretary of state to each of the governors of the several states, accompanied with a request soliciting an interchange of laws with them or such of them from whom copies of their statute laws have not already been received; and that the secretary of state be instructed to keep a book in which he shall enter the date of the times he may receive and transmit laws, and that he make report of his proceedings therein against the third day of each session of the General Assembly.

CHAPTER LXIV.

A JOINT RESOLUTION authorising the treasurer of state to dispose of certain bank notes.

APPROVED—January 8th 1821.

Be it resolved by the General Assembly of the state of Indiana, That Daniel C. Lane be and he is hereby authorised to dispose of one twenty dollar bill two ten dollar bills four five dollar bills one three dollar bill and one one dollar bill on the Farmers and Mechanics' bank of Cincinnati one ten and three five dollar bills on the Urbana Banking Company and two five dollar bills on the Farmers Mechanics and Manufacturers' Bank of Chillicothe now in the treasury at the best price that can be had and to report the result to the General Assembly in his next annual report making a deduction for the loss.

This resolution to be in force from and after its passage.

CHAPTER LXV.

A JOINT RESOLUTION for the relief of Elijah Fisher late sheriff of Wayne county.

APPROVED—January 8th, 1821.

Resolved by the General Assembly of the state of Indiana, That the treasurer of state is hereby authorized to receive of Elijah Fisher late sheriff of Wayne county the sum of forty four dollars in notes on the Farmers and Mechanics' Bank of Cincinnati and give him a receipt therefor, on account of monies by him collected for

taxes in the said county of Wayne, which taxes were assessed for the year 1818.

This resolution to be in force from and after its passage.

CHAPTER LXVI.

A JOINT RESOLUTION of the General Assembly of the state of Indiana on the subject of voting.

APPROVED—December 23d, 1820.

Resolved by the General Assembly of the state of Indiana, That the qualified electors of this state be and they are hereby authorized and requested at their August election next to be holden in the several townships and counties in this state when they vote for senators and representatives to the General Assembly to express on the same ticket at the bottom thereof in words at full length whether they are in favor of voting by ballot or in favor of voting *viva voce*.

And be it further resolved, That it shall be the duty of the several inspectors and judges of elections throughout this state to receive count and make return of the votes thus given to the clerks of the circuit courts in the same manner as they receive, count and make returns of the votes given for senators and representatives to the General Assembly.

And be it further resolved, That it shall be the duty of the clerks of the circuit courts throughout this state, when they make out the poll books for the next General Election, to rule two separate columns in said poll books, for the purpose of taking down the votes as aforesaid, and that it shall be the further duty of said clerks of the circuit courts to certify a true statement of

the votes thus given, under their hands and seals to the office of the secretary of state on or before the first Monday of December next and that it shall be the duty of the secretary of state to lay the same before the General Assembly.

This resolution to take effect from and after its publication.

CHAPTER LXVII.

A JOINT RESOLUTION concerning the treasurer of state.

APPROVED—December 13th, 1820.

Resolved by the General Assembly of the state of Indiana That the treasurer of state be required to keep a register of all the specie, also of all bank notes, which he may hereafter receive, in payment of the revenue of this state; in which shall be expressed the number, date and amount of each note so received, and upon what bank, the time said note was received, and the name of the sheriff, or other person paying the same, to which the person paying such note or notes, shall subscribe his name in his own proper hand writing.

This resolution shall take effect and be in force from its passage.

CHAPTER LXVIII.

*A JOINT RESOLUTION for the benefit of Harbin**H. Moore, and for other purposes.*

APPROVED—January 9, 1821.

Resolved by the General Assembly of the state of Indiana, That Harbin H. Moore be allowed the sum of two hundred dollars, the balance due as a compensation for his house occupied during two years past by the chief executive of state and it shall be the duty of the auditor to audit the amount of the said sum and the treasurer of state to pay the same out of any monies in the treasury not otherwise appropriated.

Be it further resolved, That the chief executive of state is hereby authorized to rent quarterly, such convenient dwelling house and suitable out buildings for his own use as he may deem proper for the ensuing year, and it shall be the duty of the auditor to audit the amount of said rent quarterly, and the treasurer of state to pay the same out of any monies in the treasury not otherwise appropriated.

This resolution to be in force from and after its passage.

CHAPTER LXIX.

A JOINT RESOLUTION on the subject of postage.

APPROVED—January 8th, 1821.

Resolved by the General Assembly of the state of Indiana, That the Governor, Secretary of State, auditor of public accounts and treasurer of state, keep an ac-

count of the postage by them expended in their official capacities and that the auditor shall audit their accounts quarterly which shall be paid out of any monies in the treasury not otherwise appropriated.

CHAPTER LXX.

A JOINT RESOLUTION to promote education.

APPROVED—January 9, 1821.

Whereas the General Assembly of the state of Indiana are deeply impressed with the importance of knowledge and learning being diffused through the rising generation of the state of Indiana, therefore :

Be it enacted by the General Assembly of the state of Indiana, That John Badolet and David Hart of Knox county William W. Martin of Washington county James Welsh of Switzerland county and Daniel I. Caswell of Franklin county Thomas C. Searle of Jefferson county and John Todd of Clark county be and they are hereby appointed a committee to draft and report to the next General Assembly of this state "a bill providing for a general system of education ascending in a regular gradation from township schools to a state university wherein tuition shall be gratis and equally open to all and particularly to guard against any distinction existing in any of the said institutions between the rich and the poor.

Resolved, That the said committee shall receive such compensation for their said services herein as shall be allowed by the next General Assembly.

Resolved, That the governor is hereby requested to notify the gentlemen appointed by the above resolution

of their appointment and he is also hereby requested to give the committee any information on the above subject in his possession.

CHAPTER LXXI.

A JOINT RESOLUTION authorizing the treasurer to employ some person to transact business therein specified.

APPROVED—December 16th, 1820.

Resolved by the General Assembly of the state of Indiana, That Daniel C. Lane treasurer of state be and he is hereby authorised to employ some suitable, confidential person, to go to Brookville, to transact business under his direction, relative to the treasury department and to make such person a reasonable compensation for his services, and the treasurer is hereby required to take bond with sufficient security, of the person to be employed by him, for the faithful discharge of his duty.

This resolution to take effect from and after its passage.

CHAPTER LXXII.

A JOINT RESOLUTION to preserve the furniture and stationary of the General Assembly.

APPROVED—January 9th, 1821.

Resolved by the General Assembly of the state of Indiana, That the door-keepers of the senate and house

of representatives deliver to the secretary of state all the furniture and stationary belonging to their respective houses taking his receipt therefor, and it shall be the duty of the secretary of state to carefully preserve the same in his office and deliver the same to the next General Assembly, who shall allow him such compensation therefor as to them shall seem reasonable.

This resolution shall be in force from and after its passage.

CHAPTER LXXIII.

A JOINT RESOLUTION of the General Assembly of the state of Indiana authorising the associate judges of Washington county to appoint a clerk in vacation.

APPROVED—December 14th, 1820.

Resolved by the General Assembly of the state of Indiana, That the associate judges of the county of Washington, are hereby authorised to meet and appoint a clerk for the circuit court of the county aforesaid pro tem. in the room of Basil Prather esq. resigned to act as such until a clerk shall be elected and qualified.

This resolution shall take effect and be in force from after its passage.

CHAPTER LXXVI.

A JOINT RESOLUTION of the General Assembly of the state of Indiana, directing the secretary of state to cause certain repairs to be made to the state house for the accommodation of the ensuing General Assembly.

APPROVED—January 9th, 1821.

Resolved by the General Assembly of the state of Indiana, That the secretary of state be and he is hereby authorized and required previous to the meeting of the ensuing General assembly to cause the representative hall in the state house in Corydon, to be repaired & fitted up for the accommodation of forty-three members of the house of representatives, and their officers, and that the said secretary also cause the senate chamber to be so repaired and fitted up for the accommodation of sixteen members of the senate and their officers, and that the expence of said repairs be paid out of any unappropriated monies in the state treasury, upon the warrant of the auditor, as in other cases.

This resolution to be in force from and after its passage.

CHAPTER LXXV.

A Memorial of the General Assembly of the state of Indiana to the Congress of the United States on the subject of the great national road.

APPROVED—January 8th, 1821.

To the Honorable the Senate and House of Represen-

tatives of the United States of America, in Congress Assembled, the memorial of the General Assembly of the state of Indiana most respectfully sheweth,

That in pursuance of a grant of land made to this state by an act of Congress, approved April 19th, one thousand eight hundred and sixteen, a location of said land has been made under the direction of the General Assembly of this state, of a site for the permanent seat of government; that subsequent to the aforesaid location the commissioners appointed by the President of the United States under the authority of an act passed during the last session of Congress, have run a line from Wheeling in Virginia to a point on the Mississippi river; and which line is esteemed to be fifteen miles south of the site located as aforesaid; your memorialists would further represent to your honorable body, that the site selected as aforesaid is considerably south of a geographical centre of the state; and possesses many other advantages, elevated banks on both sides of the west branch of White river, upon which the location aforesaid has been made, calculated in times of high water a certain passage, and that a similar advantage is not to be found on the said river, at less distance than thirty miles south of the location aforesaid: That the small variation from a line drawn between the extreme points to accommodate our seat of Government with the Western National Road, would not add two miles to its whole length; nor would it add more than four miles if such variation were confined within the limits of the state.

Your memorialists, sensible of the importance it would be to the state, that the seat of our state government should be made a point in the location of said road, and that the expence which would thereby be incurred would be merely nominal, while the interest of the public would in no wise be affected thereby: your memorialists therefore pray your honorable body will

adopt such measures as you in your wisdom may deem necessary to effect the object of your memorialists, and we as in duty bound will ever pray, &c.

TREASURER'S REPORT.

TREASURY DEPARTMENT, }
CORYDON, November 29, 1820. }

HIS EXCELLENCY,

RATLIFF BOON,

SIR—I herewith transmit you my annual report for the year 1820.

Your obedient servant,

D. C. LANE, *Treasurer.*

The treasurer in obedience to the act of the General Assembly, entitled "an act concerning the auditor of public accounts and treasurer of state, submits the following report :

That there was remaining in the hands of the treasurer on the 4th December, 1819, the sum of \$ 57 78 1 2

That from the 4th of December, 1819, to the 27th of November, 1820, there has been received on loan the sum of 4,000 00

Within the period above mentioned there has been paid into the treasury by sundry sheriffs for taxes due the state for the year 1819, and also for arrearages due for prior years, the sum of 11,275 92

From the sheriff of Knox county for taxes becoming due in the year 1820, the sum of 1,174 31

From Joel D. Thomasson, collector, &c. the sum of 130 00

Since the commencement of the state government to this date, there has been received from the superintendant of Rock and Reces' licks, the sum of 281 00

Making a sum total of 19,920 61 1 2

T

Within the periods above mentioned, there has been paid at the treasury, in discharge of the contingent expenses of government

\$ 773 80

In the payment of the officers of the Executive

2,220 00

In payment of the officers of the Judiciary

4,923 66

In payment of the members of the General Assembly and incidental expenses attendant thereon, the sum of

7,918 33

In payment of the militia, the sum of

336 17

In payment for wolves destroyed, the sum of

406 00

In payment of the interest on the loan,

3,105 00

Making the sum total of 19,773 05

Leaving a balance in the hands of the treasurer on this day of

146 96 1/2

There has been paid by the Governor of the state of Indiana, to the Treasurer of the Jeffersonville Ohio Canal Company the sum of five thousand dollars, as per triplicate receipts on file in my office.

All of which is respectfully submitted.

DANIEL C. LANE, *Treasurer.*

To the Chairman of the Committee of Ways and Means.

An account of the receipts and expenditures embraced within my annual report, commencing the 4th of December, 1819, and ending on the 27th day of November, one thousand eight hundred and twenty, inclusive.

When recd.	From whom.	The amount.
1819, Dec. 8,	The amount then on hand,	\$57 78 1/2
	Sheriff of Knox, 1819,	1,470 27
	Sheriff of Spencer for 1819,	86 96
9	do of Jefferson for 1818,	808 02
10	do of Monroe for 1819,	237 10
11	do of Sullivan for 1819,	309 96
13	do of Lawrence for do.	373 26
15	do of Washington for do	595 11
	do of Orange do	362 00
	do of Daviess do	354 90
	do of Randolph do	50 00
	do of Dubois do	68 25
	do of Jackson do	318 50
	do of Floyd for do	206 19
17	do of Fayette do	551 05
24	do of Franklin, 1818,	314 80
29	do of Vigo 1819,	640 14
1820, Jan. 4	do of Franklin do	400 00
21	do of Owen for do	104 68
	do of Wayne for 1818,	721 17
22	do of Gibson 1819,	445 00
	do of Pike do	107 32
	do of Posey for do	521 53
	do of Orange do	143 42
	do of Warrick do	99 53
	do of Vanderburgh do	45 50
	do of Dearborn do	118 66
March 4	Loan of the bank of &c.	4,000 00
20	Sheriff of Clark do	1,458 60
May 2	do of Jennings do	106 00
13	do of Franklin do	175 00
30	do of Franklin do	175 00
July 13	do of Wayne do	395 00
20	do of Franklin do	175 00
	do of Crawford do	73 00
	do of Harrison do	773 00
25	do of Dearborn do	10 17

Sept. 21	do	of Franklin	do	50 00
Oct. 21	do	of Jefferson	do	800 00
Nov. 7	do	of Ripley,	do	162 75
	do	of Jennings	do	20 00
11	do	of Knox	1820,	1174 31
18	do	of Franklin	do	25 00
	Superintendants,	-		221 00
	Ditto,	-		60 00
	Joel D. Thomasson,	-		130 00
20	Shff. of Wayne by prosecutor,			690 00

19 920 01 1 2

The amount paid, and in what department and to whom.

Date of payment. In what department. To whom paid. Amount.

1819, Dec. 6th.	Militia,	-	Stephen Rancy,	25 00
7	Judiciary,	-	Jonathan Doty,	175 00
7	Ditto,	-	Isaac Blackford,	175 00
8	Wolf scalps,	-	Elisha Fisher,	162 00
	Ditto,	-	David Edwards,	10 00
9	Ditto,	-	Thos J. Scribbling,	26 00
	Judiciary,	-	Jesse L. Holeman,	175 00
10	Wolf scalps,	-	Jesse Right,	12 00
	Ditto,	-	William C. Woods,	14 00
11	Judiciary,	-	Jonathan Doty,	175 00
13	Wolf scalps,	-	Noah Wright,	4 00
	Ditto,	-	Daniel Conner,	8 00
	Ditto,	-	Z. Lindley,	14 00
14	Ditto,	-	David Right,	2 00
	Ditto,	-	John Craig,	6 00
16	Ditto,	-	Thomas Hosse,	6 00
17	Militia,	-	Thomas Carter,	20 00
	Judiciary,	-	Isaac Blackford,	175 00
23	Legislature,	-	R. W. Nelson,	200 00
24	Ditto,	-	W. C. Crew, for }	74 80
			J. Conner,	
	Ditto,	-	do for J. Sutherland	83 20
	Ditto,	-	do for J. M'Carty,	80 80
	Wolf scalps,	-	do for R. Hannah,	76 00
29	Ditto,	-	S. H. Scott,	25 00
29	Legislative,	-	A. Brandon,	200 00

1820, Jan. 3,	Judiciary,	James Scott,	175 00
4	Contingent,	D. C. Lane,	88 00
14	Ditto,	William Farquar,	15 12 1-2
20	Wolf scalps,	Andrew Evans,	2 00
21	Contingent,	A. Brandon,	47 18 1-4
	Ditto,	Ditto,	11 31 1-4
	Ditto,	Ditto,	147 62
	Ditto,	Ditto,	42 55 1-2
	Ditto,	Jeremiah Sullivan,	48 48
22	Legislature,	Williamson Dunn,	106 25
	Ditto,	John N. Dunbar,	96 00
	Ditto,	George Wilson,	15 00
	Ditto,	James Morrison,	183 00
	Ditto,	John F. Ross,	102 40
	Ditto,	Joseph Holeman,	128 00
	Ditto,	Samuel Lindley,	102 00
	Ditto,	John Sutherland,	124 80
	Ditto,	Allen Cristler,	124 80
	Ditto,	John W. Madox,	117 12
	Ditto,	R. M. Evans,	115 20
	Ditto,	Dann Lynn,	120 00
	Ditto,	Robert Hill,	128 00
	Legislature,	Samuel Merrell,	111 04
	do.	Samuel Milroy,	102 00
	do.	A. B. Holland,	600 75
	do.	James R. Higgins,	40 00
	do.	Enoch D. John,	121 60
	do.	Conrad Sailors,	121 60
	do.	Daniel Grass,	103 00
	do.	James Beggs,	103 68
	do.	William Cotton,	112 00
	do.	John Gray,	116 00
	do.	William Polk,	92 00
	do.	W. W. Wick,	192 00
	do.	Jeremiah Sullivan,	107 20
	do.	Patrick Beard,	123 00
	do.	A. B. Holland,	96 00
	do.	Wm. Graham,	104 00
	do.	John H. Thompson,	102 40
	do.	Samuel Jelty,	113 92
	do.	Elisha Harrison,	93 20
	do.	Alex. Little,	102 00
	do.	Ratlif Boon,	112 00
	do.	Isaac Montgomery,	112 00
	do.	D. Pennington,	96 88
	do.	Samuel Chambers,	100 96
	do.	R. W. Nelson,	10 00

do.	Wm. P. Thomasson	94 00
do.	Reuben Little,	42 00
do.	Wm. C. Drew,	121 60
do.	E. B. Wilson,	63 00
do.	H. P. Thornton,	188 00
do.	Jacob Zenor,	97 12
do.	Thos. H. Blake,	112 00
do.	John Ewing,	101 12
do.	Harry Bateman,	96 00
do.	Peter Allen,	122 20
do.	Francis N. Moore,	52 00
do.	Joseph Warner,	109 60
do.	Isaac Morgan,	118 72
do.	Andrew P. Hey,	91 40
Judiciary	Richard Daniel,	151 65
do.	R. Daniel,	175 00
do.	John Watts,	116 65
Wolf scalps,	Thos. Stone & others	28 00
Militia,	John Smiley,	20 00
do.	H. M. Gary & others	90 00
January 24, Legislature,	J. Merrell & others,	66 17
13 Legislature,	Julius Woodford,	4 50
Contingent,	J. Tipton for R. W. N.	27 00
do.	do. for C. & Nelson,	27 00
February 3, Judiciary,	Davis Floyd,	175 00
17 Executive	D. C. Lane,	100 00
17 Militia,	R. W. Nelson,	28 00
17 Executive	R. A. NEW,	100 00
20 do.	Jonathan Jennings,	250 00
26 Legislature,	W. P. Thomasson	128 00
Wolf scalps,	William Hobson,	72 00
March 4, Executive	W. H. Lilly,	100 00
Interest,	Bank of Vincennes	3 103 00
20 Judiciary,	James Scott,	175 00
Militia,	Stephen Raney,	25 00
Legislature,	Henry Hurst,	192 00
21 Militia,	H. P. Coburn, for	25 00
	S. Raney	12 00
22 Contingent,	R. W. Nelson,	35 00
23 do.	Cox & Nelson,	4 00
28 Legislature,	A. Brandon,	175 00
30 Judiciary	James Scott,	38 35
April 12, Contingent.	A. Brandon,	26 00
Ditto.	D. C. Lane,	402 00
15, Legislative.	Cox and Nelso,	3 00
Contingent.	Lodge and Arian,	360 00
20, Legislative.	A. Brandon,	40 00
29, Ditto.	John Tipton,	

	Wolf scalps.	Ditto,	8 00
	Judiciary.	Ditto,	73 00
May 2, Wolf scalps.	Mawres Baker,	-	6 00
13, Judiciary.	John Watts,	-	175 00
15, Executive.	Jonathan Jennings,	-	140 00
17, Legislative.	R. W. Nelson,	-	75 00
Judiciary.	Davis Floyd,	-	175 00
Contingent.	R. W. Nelson,	-	30 00
25, Executive.	D. C. Lane,	-	100 00
June 30, Judiciary.	M. C. Eggleston,	-	175 00
July 12, Executive.	R. A. New,	-	100 00
13, Contingent.	William Gwartney,	-	4 25
Executive.	Jonathan Jennings,	-	110 00
16, Ditto.	William H. Lilly,	-	100 00
20, Contingent.	William P. Thomasson,	-	70 00
Legislative.	Jesse B. Durham,	-	50 00
Ditto.	E. Gwartney,	-	209 00
Ditto.	John Tipton,	-	58 00
Ditto.	Joseph Bartholomew,	-	57 35
23, Militia.	Stephen Raney,	-	25 00
24, Contingent.	John Test	-	30 00
Ditto.	Amos Lane,	-	30 00
25, Wolf scalps,	Peter Huntington,	-	2 00
Militia.	James Dill, &c.	-	8 17
August 2, Judiciary.	Davis Floyd,	-	175 00
19, Executive.	D. C. Lane,	-	100 00
Sept. 9, Ditto.	Jonathan Jennings,	-	250 00
21, Militia.	J. W. Duke	-	20 00
October 21, Judiciary.	J. L. Holman,	-	175 00
Ditto.	Jesse L. Holman,	-	175 00
Ditto.	Jesse L. Holman,	-	175 00
Ditto.	Jesse L. Holman,	-	175 00
November 1, Militia.	Stephen Raney,	-	25 00
4, Contingent.	A. Brandon,	-	30 00
7, Wolf scalps.	G. B. Webster,	-	12 00
8, Judiciary.	John Watts,	-	32 34
9, Executive.	Jonathan Jennings,	-	250 00
11, Judiciary.	Jonathan Doty,	-	175 00
Ditto.	Ditto,	-	175 00
Ditto.	Ditto,	-	175 00
13, Legislative.	Isaac Blackford,	-	350 00
17, Executive.	A. Brandon,	-	245 25
Ditto.	Daniel C. Lane	-	100 00
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21, Executive	Robert A. New	-	100 00
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